

TITLE XV: LAND USAGECHAPTER 151: MINIMUM HOUSING CODE

* CHAPTER 151: MINIMUM HOUSING CODE

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GENERAL PROVISION

* § 151.001 PURPOSE.

The purpose of this chapter is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use, occupancy and maintenance of all residential rental buildings and related structures within the city.

(Ord. 2235, passed 9-2-2014)

* § 151.002 SCOPE.

(A) The provisions of this chapter shall apply to all buildings or portions thereof within the jurisdiction of the city which are non-owner occupied and which are used or intended to be used for human occupancy. Except as otherwise provided in this chapter, such occupancy in existing buildings may be continued as provided in the International Residential Code, § R-1027, as adopted by the city. Additionally, all accessory buildings or structures are hereby subject to all applicable sections regarding health, safety and maintenance thereof, as contained in the city's Building Code.

(B) Exception: a non-owner occupied single-family home, maybe considered a non-rental dwelling and not subject to the minimum rental housing code if the following conditions exist: only direct family members of the property owner(s) live on the property. **DIRECT FAMILY MEMBERS**, for purposes of this chapter, shall mean the property owner's spouse, parent, child, stepchild, father-in-law, mother-in-law, daughter-in-law and son-in-law. Final approval shall be the decision of the Fire Chief or designee. The property cannot be used to generate any type of rental income for this exception.

(Ord. 2235, passed 9-2-2014)

* § 151.003 TITLE.

The regulations set out in the chapter, together with the International Residential Code for One- and Two-Family Dwelling, The International Building Code and the International Fire Code current additions the city has adopted shall be known as the "Newton Minimum Rental Housing Code", and may be cited as such. To the extent any of the provisions of the codes are inconsistent with the provisions of this chapter, then the provisions of this chapter shall apply and the conflicting provisions of such other codes shall not apply to this chapter.

(Ord. 2235, passed 9-2-2014)

* § 151.004 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Where terms are not defined they shall have ordinary accepted meanings within the context in which they are used. Whenever the words "dwelling", "dwelling unit", "boardinghouse", "rooming house" or "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof".

ACCEPTABLE or **APPROVED**. In compliance with the provisions of this chapter.

ACCESSORY STRUCTURE. A structure which is not used or intended to be used for living or sleeping by human occupants.

APPURTENANCE. That which is directly or indirectly connected or accessory to some other structure.

BASEMENT. Any enclosed areas of a building, which has its floor or lowest level below ground level (subgrade) on all sides.

BATH. A bathtub or shower stall connected with hot and cold waterlines.

BOARDINGHOUSE. A building other than a hotel or other overnight lodging facility where, for compensation, lodging and meals are provided by the building owners or managers for residential boarders with meals for all resident boarders provided in the central kitchen facility within said building. Said **BOARDING FACILITY** shall be distinctive from transient lodging facilities such as hotels, beds and breakfasts, other overnight lodging facilities or public eateries. Residents within said Boardinghouse facility shall be accommodated with weekly, monthly or yearly

tenant agreements or leases.

COMMUNAL. Used or shared by or intended to be used or shared by the occupants of two or more rooming units or two or more dwelling units.

CONDOMINIUM. A dwelling unit which is in compliance with the requirements of I.C.A. Ch. 499B, as amended.

COOPERATIVE. A dwelling unit which is compliance with the requirements of I.C.A. Ch. 499B as amended.

COURT. An open unoccupied space which is more than 50% enclosed by buildings.

DINING ROOM. A habitable room used or intended to be used for the purpose of eating, but not for cooking or the preparation of meals.

DWELLING. Any building which is wholly or partially used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT. Any habitable building, room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking or eating meals. An efficiency unit fails under this definition.

EXTERMINATION. The control and elimination of insects, rodents or other pests by eliminating the harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating or trapping or by any other recognized and legal pest elimination methods approved by the Inspector.

FAMILY. One or more persons occupying a single dwelling unit. No such **FAMILY** shall contain more than four persons, unless all such persons are related by either blood, marriage or adoption.

GARBAGE. Animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food, and shall also mean combustible waste material in accordance with the city's burning regulations.

HABITABLE ROOM. A room or enclosed space having a minimum of 70 square feet of total floor area within a dwelling unit or rooming unit used or intended to be used for living, sleeping, cooking and eating purposes, excluding bathrooms, toilet rooms, pantries, laundries, foyers corridors, closets, storage spaces and stairways.

INFESTATION. The presence, within or around a dwelling, of any insects, rodents or other pests in such quantities as would be considered unsanitary.

INSPECTION INITIAL. A periodic inspection of a dwelling unit conducted to determine compliance with the provisions of this chapter, whether initiated by the Inspector or by written complaint.

INSPECTION, FOLLOW-UP. One of a number of re-inspections of a dwelling unit following an initial inspection, designed to determine and achieve compliance with deficiencies noted in the initial and any other follow-up inspection.

INSPECTOR. The official of the city delegated the responsibility to administer the provisions of this chapter, together with his or her duly authorized representatives or agents.

KITCHEN. A habitable room used or intended to be used for cooking and the preparation of meals.

LAVATORY. A hand-washing basin which is connected to both hot and cold water lines, which is separate and distinct from the kitchen sink.

MINIMUM RENTAL HOUSING OCCUPANCY PERMIT (RENTAL HOUSING PERMIT). A document issued by the city evidencing authority to occupy a dwelling unit.

MULTIPLE DWELLING. Any dwelling containing more than two dwelling units.

OCCUPANT. Any person over one year of age living, sleeping, cooking, eating in or having actual possession of dwelling, dwelling unit or rooming unit.

OPERATION. Any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.

OWNER. Any person who, alone or jointly or severally with others: shall have legal title to any dwelling unit, with or without accompanying actual possession thereof; or shall have charge care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual **OWNER** shall be bound to comply with the provisions of this chapter to the same extent as if the representative were the **OWNER**.

PERSON. Any individual, firm, corporation, association or partnership.

PLUMBING. All of the following supplied facilities and equipment: gas pipes; gas burning equipment; water pipes; garbage disposal units waste pipes; water closets sinks; dishwashers; lavatories; bathtubs; shower baths; clothes washing machines; catch basins; drains; vents; and any other similar supplied fixtures, together with all

connections and to water sewer or gas lines.

PREMISES. A lot, plot or parcel of land, including all buildings thereon.

REFUSE. Waste material, except human waste, including garbage, rubbish, ashes and dead animals.

ROOMER. An occupant of a rooming house or rooming unit, and shall also mean an occupant of a dwelling who is not a member of the family occupying the dwelling.

ROOMING HOUSE. An owner-occupied or manager-occupied single dwelling unit wherein individual sleeping rooms are provided to not less than three unrelated resident tenants. Each rooming unit within the rooming house shall have a bath and toilet facilities available for exclusive use by the occupant. Not more than one kitchen facility shall be established within said structure wherein meals may be prepared by resident tenants. Said **ROOMING FACILITY** shall be distinctive from transient lodging facilities such as hotels, beds and breakfast, other overnight lodging facilities or public eateries. Residents within said rooming house facility shall be accommodated with weekly, monthly or yearly tenant agreements or leases.

ROOMING UNIT. Any habitable room or group of adjoining rooms located within a dwelling and forming a single unit, with facilities which are intended to be used primarily for living and sleeping. A **ROOMING UNIT** shall have a bath and toilet facilities available for exclusive use by the occupant.

RUBBISH. Inorganic waste material consisting of primarily non-combustible materials.

SINGLE-FAMILY DWELLING. Structure containing one dwelling unit.

(Ord. 2235, passed 9-2-2014)

" § 151.005 INSPECTIONS; AUTHORITY; RIGHT OF ENTRY.

(A) *Authority of Inspector and Code Enforcement Officer.* The Inspector is hereby authorized and directed to enforce all of the provisions of this chapter. For such purposes, the Inspector shall have the authority of the law enforcement officer. Any code enforcement employee of the city is authorized and directed to enforce all of the provisions of this chapter.

(B) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Inspector has reasonable cause to believe that there exists in any building or upon any premises any condition or violation of this chapter which makes such building or premises unsafe, dangerous or hazardous, the Inspector may enter such building or premises at all reasonable times to inspect the building or premises or perform any duty imposed upon the Inspector by this chapter; provided that, if such building or premises is occupied the Inspector shall first present proper credentials and request entry and, if such building or premises is unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Inspector shall have recourse to every remedy provided by law to secure entry.

(Ord. 2235, passed 9-2-2014)

PERMIT PROCEDURES

" § 151.020 BUILDING PERMIT REQUIRED; FEE.

(A) *Building permit required.*

(1) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by this chapter without first obtaining a separate permit for each building or structure from the city.

(2) 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 the International Residential Code, or to cause any such work to be done, shall first make an application to the city and obtain the required permit.

(B) *Permit fees.* Whenever a building permit is required by this chapter, the appropriate fees shall be paid to the city at the rate established by the City Council.

(C) *Inspections.* All buildings or structures within the scope of this chapter and all construction or work which a permit is required shall be subject to inspection by the Building Official in accordance with an in the manner provided by this chapter and § R105, Permits, and § R106, Construction Documents, of the International Residential Code.

(Ord. 2235, passed 9-2-2014) Penalty, see § [151.999](#)

" § 151.021 OCCUPANCY PERMIT.

(A) *General.*

(1) *Application for occupancy permit.* Before allowing a dwelling unit to be occupied, every owner shall apply for and obtain a minimum rental housing occupancy permit from the city for such dwelling unit. Each owner shall take all steps required by this chapter to keep the occupancy permit valid and in effect at all times.

(2) *Issuance of occupancy permit.* When the owner has complied with all requirements of this chapter relating to a dwelling unit, and has paid all fees required by this chapter, the Inspector shall issue a minimum rental housing occupancy permit to the owner for such dwelling unit.

(a) *Crime free housing training required for residential property owners and managers.*

1. All persons applying for a rental permit for residential property pursuant to division (A)(1) of this section, and the managers of the respective rental properties of four or more rental units, shall have successfully completed mandatory crime free management training, administered or certified by the city, prior to issuance of the permit. The permit will be issued only after successful completion of the training. The training may be attended after an application has been submitted, and pursuant to division (A)(7) of this section, a temporary occupancy permit may be issued to the property owner for a minimum reasonable period of time which the inspector determines is needed in order to complete training requirements.

2. The provisions of this chapter are supplementary and complementary to other provisions of this code and applicable laws. Nothing in this chapter may be construed to limit any existing right of the city to abate nuisances or to enforce any provisions of applicable law, statute or this code, including provisions of uniform codes adopted by reference in this code.

(b) *Phase in.*

1. The mandatory crime free management training and all program requirements shall be phased in as follows:

A. From July 1, 2015 to June 30, 2016, mandatory crime free management training shall be required for all residential rental properties with more than 20 units.

B. From July 1, 2016 to June 30, 2017, mandatory crime free management training shall be required for all residential rental properties with between eight and 20 units.

C. From July 1, 2017 to June 30, 2018, mandatory crime free management training shall be required for all residential rental properties with between four and seven units.

2. Landlords and managers of rental properties of fewer than four rental units will be subject to program requirements of this chapter only if the rental unit(s) experience chronic law enforcement issues. In the event of chronic law enforcement issues, landlords and managers shall remain subject to program requirements for a period of 24 months violation free, following the latest incident of conviction. Chronic law enforcement issues are unit specific, with occupants therein and defined as:

A. One state or federal felony conviction coupled with a conviction of § [94.02](#);

B. Two state or federal aggravated misdemeanor convictions coupled with a conviction of § [94.02](#) within a 12-month period; and

C. Three serious or simple misdemeanor convictions coupled with a conviction of § [94.02](#) within a 12-month period.

(c) *Tenant lease and crime free lease addendum.*

1. Any residential rental property owner or manager with four or more rental units, entering into leases regarding residential rental property after July 1, 2015 shall utilize the crime free lease addendum provided by the city. Samples of rental leases will be available from the Police Department. All residential rental property owners or managers with four or more rental units shall advise prospective tenants of the required crime free lease addendum prior to entering into any lease or rental agreement. The crime free lease addendum shall make criminal activity a lease violation and will specify that criminal activity is not limited to violent criminal activity or drug-related criminal activity engaged in by, facilitated by, or permitted by the tenant, a member of the household, a guest or any party under the control of the tenant. The operator or property manager shall take all reasonable action to enforce the terms of the crime free housing addendum, including eviction of the tenant in violation pursuant to the requirements of state law.

2. It shall constitute a violation of this subchapter for any residential rental property owner or manager to knowingly permit any tenant to occupy any residential rental property without entering into a crime free lease addendum or to occupy any residential rental property in violation of any provision of the crime free lease addendum required under this section. Any failure to include a crime free lease addendum or similar approved language may

result in penalty as set forth in subsection (f) of this division.

(d) *Property contact information.* The residential rental property owner shall provide the city with emergency contacts for each rental property, who can provide the names of the residents in each unit and has authority to make decisions with respect to the property.

(e) *Tenant background checks.* All residential rental property owners with four or more rental units shall check the criminal background of all perspective tenants through a screening program approved by the Police Chief.

(f) *Enforcement/penalties.*

1. *Notice.* Whenever the city determines that a violation of this section exists, the city shall give notice of violation and an order to correct to the property owner. The notice shall be in writing and shall describe with reasonable detail the violation(s) so that the property owner has the opportunity to correct said violation.

2. *Violation.* Any person who fails to comply with any provisions of this chapter after receiving written notice of the violations(s) and being given a reasonable opportunity to correct such violations(s) shall be deemed to be in violation of this chapter.

3. *Penalty.* Any property owner violating any provision of this chapter or other applicable code or regulation with regard to Crime Free Multi-Housing Program shall be subject to a fine as set forth in § [10.99](#) for each offense. A separate offense shall be deemed committed on each day a violation occurs or continues to exist. Permit renewals will not be approved unless all outstanding penalties are paid in full.

4. *Suspension/revocation.* Any failure of an owner to take reasonable action enforce the terms of the crime free lease addendum after having been notified by the Police Department of activity or conduct occurring on the residential rental property in violation of the addendum, and after having been given a reasonable opportunity to remedy such activity or conduct, shall be sufficient grounds for the suspension of his or her residential rental permit for a period of up to 90 days. Repeated suspensions may be grounds for revocation. The property owner shall have the right to appeal any suspension as set forth in this chapter.

(3) *Expiration of occupancy permit.* An occupancy permit for a dwelling unit issued under division (A)(2) above shall be valid until the next initial inspection of the dwelling unit has been conducted as provided in this chapter, at which time such occupancy permit shall expire. No new occupancy permit shall be issued with respect to such dwelling unit until the owner has complied with all requirements of division (B) below; provided, however, that, the Inspector may grant the owner a temporary occupancy permit under division (A)(7) below, in order to afford the owner an opportunity to bring the dwelling unit into compliance with the requirements of this chapter.

(4) *Location of occupancy permit.* The owner shall cause the occupancy permit to be placed in each unit where it is readily available for examination by prospective tenants, tenants and the Inspector at all times. If the permit is not available for examination during any inspection, the owner shall be required to immediately replace such permit at the owner's expense. Replacement cost of permit shall be set by City Council resolution.

(5) *Contents of the occupancy permit.* The occupancy permit shall contain the following information; the property address of the dwelling unit; the unit number of the dwelling unit; the owner's name, address and telephone number; the name and address and telephone number of the owner's agent, if the owner is not a resident of the county; the maximum occupancy of the dwelling unit, not to exceed four persons, unless all such persons are related by either blood, marriage or adoption; the date of issuance of the occupancy permit; and the expiration date of the occupancy permit, if the permit is a temporary occupancy permit issued under division (A)(7) below.

(6) *Inspection prior to issuance of occupancy permit.* Except as provided in division (A)(7)(a) below, prior to the issuance of an occupancy permit for any dwelling unit, the Inspector shall inspect the dwelling unit to assure that it complies in all respect with all codes made applicable to dwelling units by the provisions of this chapter. No minimum rental housing occupancy permit shall be issued until all such requirements have been complied with, and all inspection, registration and other fees have been paid.

(7) *Temporary occupancy permit.*

(a) Notwithstanding the provisions of divisions (A)(2), (A)(3) and (A)(6) above, the Inspector may, but is not required to, issue a temporary occupancy permit under either of the following circumstances:

1. *Reasonable time to inspect.* If the Inspector determines that it is impractical to inspect a dwelling unit within a reasonable time after an owner makes application for occupancy permit. In such case, the Inspector may issue a temporary occupancy permit which shall be valid for the minimum reasonable period of time which the Inspector determines is needed in order to complete the inspection of the dwelling unit; or

2. *Previously issued permit.* If an occupancy permit previously issued with respect to a dwelling unit has

expired under division (A)(3) above, by reason of the next initial inspection of the dwelling unit having been conducted, and if the dwelling unit does not then comply with all of the requirements of this chapter. In such case, the Inspector may, but is not required to; issue a temporary occupancy permit for the minimum reasonable period of time which the Inspector determines is needed by the owner to bring the dwelling unit into compliance with all of the requirements of this chapter.

(b) In either case, the expiration date of the temporary occupancy permit shall be stated on the face of the permit.

(B) *Inspections of dwelling units.* An initial inspection of every dwelling unit shall be conducted at the time the permit is issued and then no less than every two years, computed from the date of the previous most recent initial inspection of the dwelling unit. An initial inspection of a dwelling unit may also be conducted either at the request of a tenant of the dwelling unit, or if the Inspector receives a written complaint which, if verified, would establish a violation of any provision of this chapter. Upon compliance with all requirements noted in the initial inspection report, and upon payment of all necessary fees, the Inspector shall issue a minimum rental housing occupancy permit with respect to such dwelling unit.

(C) *Effect of issuance of occupancy permit.*

(1) The issuance of a minimum rental housing occupancy permit for a dwelling unit shall not be construed to mean that the dwelling unit complies with the provisions of this chapter or with any of the provisions of any other chapters of this code, including, but not limited to, city zoning.

(2) After issuance of a minimum rental housing occupancy permit for a dwelling unit, if it is determined that the dwelling unit, or the structure of which the dwelling unit is a part, fails to comply with any of the provisions of this chapter, the Inspector is authorized and directed to require the owner to bring said dwelling unit or structure into compliance with all of the provisions of this chapter.

(Ord. 2235, passed 9-2-2014; Ord. 2256, passed 9-8-2015)

* § 151.022 ANNUAL PERMIT OF DWELLING UNITS.

(A) *Permit fee.* Every owner shall apply for and pay a permit fee for each dwelling unit. A validation seal shall be issued upon the receipt of the permit fee which the owner shall cause to be placed on the occupancy permit as proof of registration. The permit fee shall be determined as provided in § [151.023](#) of this chapter.

(B) *Posting of permit.* The owner shall cause the current validation seal to be placed on the occupancy permit in each unit where it is readily available for review by prospective tenants, tenants and the Inspector at all times. Permit shall be posted inside the front door or main entry of the dwelling.

(Ord. 2235, passed 9-2-2014)

* § 151.023 FEE SCHEDULE.

All initial inspection fees, follow-up inspection fees, registration fees and any other fees or penalty assessed pursuant to the provisions of this chapter shall be in such amounts as are set annually by resolution of the City Council. All such fees shall be published in a fee schedule which shall be kept on file at the office of the City Clerk, and made available for distribution to the public at no cost.

(Ord. 2235, passed 9-2-2014)

REQUIREMENTS AND CONDITIONS

* § 151.035 SANITARY REQUIREMENTS.

The dwelling unit shall include its own sanitary facilities which are in proper operating condition, can be used in privacy and are adequate for personal cleanliness and the disposal of human waste.

(A) *General.*

(1) *Toilets and lavatory basins.* At least one toilet and one lavatory basin shall be supplied for each four persons or fraction thereof residing within a dwelling containing a rooming unit, including members of the operator's family whenever they share such facilities, unless more restrictive code provisions apply to a dwelling, in which case the more stringent requirements shall govern.

(2) *Baths.* At least one bath shall be supplied for each four persons or fraction thereof residing with a dwelling containing a rooming unit, including members of the operator's family whenever they share such facilities.

(3) *Kitchens.* An approved kitchen sink with hot and cold running water shall be supplied, with adequate space for the storage and preparation of food.

(B) *Structural requirements.*

(1) *Connection to water and sewer system.* Every kitchen sink, toilet, lavatory basin and bath shall be

properly connected to an approved water and sewer system as provided for in the applicable city regulations.

(2) *Separation of bathroom facilities and from other rooms.* Every toilet, bath and lavatory basin and bath shall be contained within a room which will afford privacy to the user, and shall be separated from a food preparation area by a tight-fitting door; except that, the lavatory may be immediately adjacent to the toilet room.

(3) *Communal toilets and baths.* Communal toilets and baths shall be located on the same floor or the floor immediately above or below the rooming unit.

(4) *Communal kitchen.* If a communal kitchen is supplied, it shall comply with the following requirements.

(a) *Floor area.* The minimum floor area of communal kitchens shall be 70 square feet.

(b) *Floor area/dining.* In communal kitchens which permits roomers to prepare and eat meals shall be a minimum of 100 square feet.

(c) *Kitchen.* The kitchen shall contain adequate food storage capacity, an approved sink and a stove or range.

(d) *Kitchen storage.* The kitchen shall include at least one cabinet of adequate size suitable for the storage of food, and eating and cooking utensils.

(e) *Table/chairs.* The kitchen shall contain a table and adequate chairs for the normal use of the facilities if a communal dining room is not supplied.

(f) *Kitchen accessibility.* Every communal kitchen shall be located within a room accessible to the occupants of each rooming unit sharing the use of such kitchen without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.

(5) *Communal dining rooms.* Every dwelling within which the occupant is permitted to prepare meals or cook within a communal kitchen containing less than 100 square feet of floor area shall contain a communal dining room which complies with the following requirements.

(a) Every communal dining room shall be located on the same floor as the communal kitchen and located as nearly adjacent to the communal kitchen as is practicable.

(b) Accessibility to the communal dining room by occupant shall be the same as requirements for communal kitchens.

(c) The communal dining room shall contain a table and adequate chairs for the normal use of the facilities.

(d) The communal dining room shall contain not less than 70 square feet of floor area.

(C) *Acceptability criteria.* All sanitary units should be fully functional and in proper operating condition, shall be free from leaks and mineral buildup and shall be clean to normally accepted household cleanliness standards. Drainage shall be complete in lavatories and sinks, and all units must meet the requirements of the city's Plumbing Code.

(Ord. 2235, passed 9-2-2014)

- § 151.036 FOOD PREPARATION; GARBAGE DISPOSAL.

(A) *Performance requirements.* The dwelling unit shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and garbage, including facilities for temporary storage where necessary.

(B) *Structural requirements.* Structural requirements for food preparation and garbage disposal facilities shall be as provided in § [151.035](#) of this chapter pertaining to sanitary requirements.

(C) *Acceptability criteria.* Refrigerators, cooking stoves or ranges and other food preparation equipment shall be in proper operating order. Areas shall be clean to normally acceptable household cleanliness standards. Temporary and permanent garbage receptacles shall be free of leaks, shall be covered and should not show buildup of deposits due to lack of cleaning. If plastic bags are used for garbage disposal, they should be placed in a container indoors. Full bags should be placed in a holding area other than the food preparation area.

(Ord. 2235, passed 9-2-2014)

- § 151.037 SPACE AND SECURITY.

(A) *Performance requirements.* The dwelling shall afford the residents adequate space and security.

(B) *Structural requirements.*

(1) *Permissible occupancy.* Floor area per occupant for efficiency units. Every efficiency unit shall contain at least 220 square feet of floor space for the first occupant and at least 100 additional square feet of floor space for every additional occupant. In determining the maximum permissible occupancy, the floor area of that part of a room where the ceiling height is less than five feet and shall not be considered when computing the total floor area of the

room.

(2) *Floor area per occupant for sleeping rooms.* In every dwelling unit of two or more rooms and every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space and every room occupied for sleeping purposes by more than one occupant shall contain at least 40 square feet of floor space for each occupant.

(3) *Maximum occupancy.* Not more than one family or no more than four unrelated person shall occupy a dwelling unit, except for guests, and except for domestic or household employees.

(4) *Ceiling heights.* The ceiling height in every habitable room shall be at least seven feet. Obstructions of space by such items as water and gas pipes, cabinetry and the like shall be permitted when such obstructions are located in such a fashion that they do not interfere with normal or emergency ingress or egress and are approved by the Inspector. In no event may an obstruction be located nearer than six feet, four inches to the floor.

(5) *Acceptable criteria.* The dwelling shall conform to this division (B) pertaining to structural requirements. Sleeping areas should have doors latchable or lockable from within for privacy and safety. Latches or locks should be of the type to permit swift emergency exit in accordance with the International Fire Code.

(Ord. 2235, passed 9-2-2014)

* § 151.038 ACCESS.

(A) *Performance requirements.* Access to each dwelling unit or rooming unit shall not require first entering any other dwelling unit or rooming unit; except that, access to rooming units may be through a living room or kitchen of a unit occupied by the owner or operator of the structure.

(B) *Structural requirements.* No dwelling, dwelling unit or rooming unit containing two or more sleeping rooms shall have such arrangements that access to a bathroom or water closet compartment intended for use by the occupant of more than one sleeping room can be gained only by going through another sleeping room.

(C) *Acceptability criteria.* The dwelling unit shall be usable and capable of being maintained without unauthorized use of other private properties. Further requirements are contained in § [151.041](#) of this chapter pertaining to exits.

(Ord. 2235, passed 9-2-2014)

* § 151.039 LIGHTING IN PUBLIC HALLS AND STAIRWAYS.

(A) *Performance requirements.* Public passageways and stairways in dwellings accommodating two or more dwelling units or rooming units shall be provided with a convenient wall-mounted light switch which activates an adequate lighting system.

(B) *Structural requirements.* Switches shall be placed at both the top and bottom of stairwells and must be of the types which meet the Electrical Code of the city.

(C) *Acceptability criteria.* Acceptability criteria shall be the requirements set out in divisions (A) and (B) above.

(Ord. 2235, passed 9-2-2014)

* § 151.040 FIRE SAFETY.

All rental housing shall be provided with fire protection equipment as follows.

(A) *Fire extinguishers.* All dwelling units with three or more dwelling units shall be provided with a sufficient number of fire extinguishers which are approved by the Fire Marshal. Fire extinguishers shall be properly mounted and accessible to all occupants. Fire extinguishers shall comply with National Fire Protection Association, Standard 10. Minimum size shall be 2A 10B C (5 Pound). Fire extinguishers shall be equipped with a sight gauge to indicate pressure and shall be maintained in accordance National Fire Protection Association, Standard 10.

(B) *Smoke/dual sensor detectors.* All dwelling units shall be provided with smoke detectors as defined in International Fire Code, 2009 Edition, § 907.2.11. In multiple-unit dwellings, there shall be smoke detectors in common hallways accessible to two or more units. Detectors shall also be located in cellars or basements when such cellars or basements are used for storage, laundry equipment or central heating units. Effective 1-1-2015, all dwelling units shall be equipped with dual sensor smoke detectors as defined in Iowa Code § 100.18 and 661 I.C.A. 210.1.

(1) Effective 1-1-2015, all dwelling units that have attached garages or within which fuel-fired appliances exist shall have an approved carbon monoxide alarm installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. Single-station carbon monoxide alarms shall be listed as complying with UL 2034 and shall be installed in accordance with this code and the manufacturer's installation instructions. Dual-sensor smoke detectors that have carbon monoxide and smoke detection sensors which are listed to UL 2034 and UL 217, shall be allowed.

(2) Effective 7-1-2014, all newly registered dwelling units shall be provided with dual sensor smoke detectors as defined in Iowa Code § 100.18 and 661 I.C.A. 210.1. In accordance with 661 I.C.A. 210.3(11), smoke detectors shall be located as follows:

(a) *Placement.* On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of the bedrooms;

(b) *Bedrooms.* In each room used for sleeping;

(c) *Levels.* In each story within a dwelling unit, including basements, but not including crawl spaces and uninhabitable attics. In dwelling units with split-levels and without intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level; provided that, the lower level is less than one story below the upper level; and

(d) *Dual sensor.* All new smoke detectors are required to be a dual-sensor smoke detector as defined in 661 Iowa Administrative Code 210.1. **DUAL-SENSOR SMOKE DETECTORS** means a smoke detector which contains both an ionization sensor and a photoelectric sensor which is designed to detect and trigger an alarm in response to smoke detected through either sensing device, or a smoke detector which has two sensors and is listed to UL Standard 217, Single- and Multiple-Station Smoke Alarms, or another standard approved by the State Fire Marshal.

(C) *Carbon monoxide alarms.* Effective 7-1-2014, all new registered dwelling units that have attached garages or within which fuel-fired appliances exist, shall have approved carbon monoxide alarm installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. Single-station carbon monoxide alarms shall be listed as complying with UL 2034 and shall be installed in accordance with this code and the manufacturer's installation instructions.

(D) *Exits.* Every floor above the first floor used for human occupancy shall meet the exit requirements of § [151.041](#) of this chapter. If the structure cannot meet such exit requirements because it has only one approved means of egress, fire escape stairs will be permitted to serve as part of the second approved means of egress; provided, such second means of egress meets all of the following performance standards in addition to all other requirements for means of egress.

(1) *Fire escapes.* Fire escape stairs must serve an occupant load of ten or less or a single dwelling unit or guestroom.

(2) *Stair access.* There must be access to the fire escape stairs from each dwelling unit on each story served by the fire escape stairs, by means of either an approved exit or an approved balcony. Nothing contained in this section shall be construed to vary the provisions of § [151.041\(B\)](#) of this chapter requiring emergency escape or rescue windows in every sleeping room, or the provisions of divisions (D)(1) above and this (D)(2), regarding access to dwelling units and between the various rooms of dwelling units.

(3) *Structural requirements.*

(a) *Placement.* Fire escape stairs must not pass in front of any building opening below the unit being served.

(b) *Activating.* The means of activating the escape device must be accessible to the rental unit or balcony being served.

(c) *Fire escape installation.* Installation of fire escape stairs must not cause a person to pass within six feet of external electrical wiring.

(d) *Code.* Fire escape stairways and balconies shall meet all requirements per the International Fire Code and International Building Code that have been adopted by the city.

(e) *Extensions.* Fire escape stairs must reach the ground or be equipped with counterbalanced extensions which allow them to extend to the ground.

(f) *Acceptability criteria.* Acceptability criteria are the same as performance and structural requirements. In addition, fire escapes must be kept clear and unobstructed and must be in good operating order.

(Ord. 2235, passed 9-2-2014)

- § 151.041 EXITS.

(A) *Performance requirements.* Every rental dwelling and rooming unit shall have access to two independent, unobstructed means of egress remote from each other. Except for a dwelling or rooming unit of the first story or below grade, neither means of egress shall consist solely of a window approved for emergency escape or rescue. At least one mode shall be an exit which discharges directly to a corridor, stairway or public way. If both exits are to a common corridor, they shall permit emergency egress in two directions.

(B) *Structural requirements.*

(1) *Escapes.*

(a) Sleeping rooms shall have a least one operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside without resorting to separate tools.

(b) Doorways shall be a least six feet, four inches high by at least 32 inches wide.

(c) Escape windows shall have a minimum net opening of 5.7 square feet. The minimum net opening height shall be 24 inches, with a minimum net opening width of 20 inches and a maximum sill height of 44 inches from the floor.

(2) *Stairway safety.* Stairways having more than four risers shall be equipped with a substantial and safely constructed handrail of a height not less than 34 inches and not more than 38 inches above front nosing stair tread. The stairway rise height shall be uniform and each tread shall be of uniform width to allow uniform stepping motion for traversing the stairway.

(3) *Raised floors.*

(a) Porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guards not less than 36 inches height.

(b) Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guards not less than 34 inches in height measured vertically from the nosing of the stair tread.

(4) *Acceptability criteria.* Acceptability criteria are the same as performance and structural requirements.

(Ord. 2235, passed 9-2-2014)

* § 151.042 NATURAL LIGHT, NATURAL VENTILATION AND MECHANICAL VENTILATION.

(A) *Performance requirements.*

(1) *Natural light.* All habitable rooms within a dwelling unit or rooming unit shall be provided with natural light means of exterior glazed openings with a minimum area 8% of the floor area. All bathrooms, water closet compartments, laundry rooms and similar rooms shall comply with the habitable space requirements.

(2) *Natural ventilation.* All habitable rooms within a dwelling unit or rooming unit shall be provided with natural ventilation by means of openable exterior openings with minimum area of 8% of the floor area.

(3) *Ventilation.* In lieu of required exterior openings for natural ventilation, a mechanical ventilation system may be provided. Such system shall be capable of providing two air exchanges per hour in all habitable rooms. One-fifth of the air supply shall be taken from the outside. In bathrooms, water closet compartments, laundry rooms and similar rooms, a mechanical ventilation system connected directly to the outside, capable of providing five air exchanges per hour, shall be provided.

(B) *Structural requirements.*

(1) *Maintenance.* Every window or other device with an opening to the outdoor space which is capable of being used for ventilation purposes shall be maintained in good state of repair. This includes screens, if applicable.

(2) *Doors.* Every door opening directly from a dwelling unit or rooming unit to the outdoor space shall fit reasonably tightly within its frame and shall be maintained in good order and a good state of repair.

(3) *Additionally.* Additional structural requirements are set out in divisions (A)(1) through (A)(3) above.

(C) *Acceptability criteria.* Every dwelling unit or rooming unit shall have natural light and natural ventilation. Mechanical ventilation may be substituted in lieu of natural ventilation. Exterior openings or mechanical systems shall be maintained in good working condition to ensure an appropriate climate for a healthy living environment.

(Ord. 2235, passed 9-2-2014)

* § 151.043 MECHANICAL EQUIPMENT.

(A) *Performance requirements.*

(1) *Heating.* Every dwelling and rooming unit shall have heating facilities which are properly installed and are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms locate therein to a temperature of at least 68°F (19°C) at a distance of three feet above the floor level at all times. The heating facilities shall be so designed and equipped that heat, as specified in this division (A), is available for all dwelling units.

(2) *Heat venting.* Every fuel-burning heating unit or water heater shall be effectively vented in a safe manner to a chimney or duct leading to the exterior of the building. The chimney or duct shall be of such design as to ensure proper draft and shall be adequately supported.

(3) *Heat location.* Every central heating unit, space heater, water heater and cooling appliance shall be located and installed in such a manner as to afford reasonable protection against involvement of egress facilities or egress

routes in the event of uncontrolled fire in the structure.

(4) *Heat location.* No fuel-burning furnace or water heater shall be located within any sleeping room or bathroom unless there is adequate combustion air, an automatic shut off is provided and the continued operation of the furnace or water heater poses no threat to the occupants, as determined by the city's Mechanical Inspector.

(5) *Heat controls.* Every steam or hot water boiler and every water heater shall be protected against overheating by appropriate automatic pressure and temperature limit controls.

(6) *Heat devices.* Every fuel-burning space-heating unit and water heater shall be equipped with an electronic ignition device or with a pilot light and a control to interrupt the flow of fuel to the unit in the event of failure of the ignition device.

(B) *Structural requirements.*

(1) *Maintenance.* Such equipment shall be installed and maintained in a safe condition and in accordance with applicable codes and manufacturers' specifications.

(2) *American Gas Association provisions.* Provisions of the American Gas Association shall apply to the installation of gas and associated equipment.

(C) *Acceptability criteria.* Acceptability criteria are the same as performance and structural requirements. All heating devices or appliances shall be of approved type. Unvented room heaters which burn gas, oil or kerosene are unacceptable.

(Ord. 2235, passed 9-2-2014)

* § 151.044 ELECTRICAL EQUIPMENT.

(A) *Performance requirements.* Each room shall have adequate electrical equipment to permit normal indoor activities and to support the health and safety of occupants. Sufficient electrical sources shall be provided to permit use of essential electrical appliances while ensuring safety from fire or electrical failure.

(B) *Structural requirements.*

(1) *Electrical lighting.*

(a) Every habitable room and bathroom shall contain at least one wall switch and electrical light fixture. In rooms other than kitchen, one or more electrical receptacles controlled by wall switches may be permitted.

(b) All non-habitable rooms such as furnace rooms, utility rooms, hallways, stairways, exterior and interior entrances and attached garages shall be provided with an electrically operable light fixture to illuminate such areas.

(c) Cellars, basements, attics and crawl spaces containing service equipment or used for storage purposes shall contain an electric fixture for illumination of facilitate checking, servicing and general personal safety.

(d) Hallways, interior and exterior stairways and interior and exterior entrances may be provide with automatically controlled electrical lighting if manual electrical switching is provided. Switches shall be provided at both ingress and egress areas to provide safe unobstructed use of such areas.

(2) *Electric convenience outlets.*

(a) Every habitable room shall contain at least two double electric convenience outlets.

(b) Every bathroom and kitchen where the receptacles are installed to serve the countertop surfaces shall be provided with approved ground fault interrupter circuit.

(c) Other non-habitable rooms shall be provided with electrical convenience outlets as required for use.

(3) *Maximum overcurrent protection.* Maximum overcurrent protection of branch circuits is 15 amperes, except that laundry room, kitchen and dining room outlets when provided with No. 12 A.W.G. or larger, shall be in accordance with the Electrical Code of the city.

(4) *Identification.* Overcurrent devices shall be identified on the panel as to the circuits they protect.

(5) *Service entrance conductors.* Service entrance conductors shall be properly installed with a main disconnect and overcurrent protection. The main disconnect shall be located as near as possible to the service entrance. The service shall be properly grounded by continuous copper conductor to the street side of the water meter and bonded across the water meter to the house side. Units without city-supplied water shall have grounding by proper connection to the grounding rod.

(6) *Ready access.* All occupants shall have ready access to all overcurrent devices supplying their respective areas.

(C) *Acceptability criteria.* Acceptability criteria are the same as performance and structural requirements.

(Ord. 2235, passed 9-2-2014)

* § 151.045 INTERIOR AIR QUALITY.

(A) *Performance requirements.* The dwelling unit shall be free from pollutants in the air at levels which threaten the health of the occupants.

(B) *Structural requirements.* Structural requirements shall be provided in § [151.043](#)(B)(1) of this chapter, pertaining to thermal environment.

(C) *Acceptability criteria.* The dwelling unit shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas dust and other harmful air pollutants. Air circulation shall be adequate throughout the unit.

(Ord. 2235, passed 9-2-2014)

* § 151.046 POTABLE WATER SUPPLY.

(A) *Performance requirements.* The water supply shall be free from contamination.

(B) *Structural requirements.*

(1) *Generally.* The provisions of the city's Plumbing Code shall apply to the water supply.

(2) *Required water heating facilities.* Every kitchen sink, bath and lavatory basin required in accordance with the provisions of this chapter shall be properly connected with supplied water heating facilities. Every water heating facility shall be properly connected and shall be capable of heating water to such temperature as to permit an adequate amount of water to be drawn on every kitchen sink and lavatory basin required at a temperature of not less than 120°F (43°C).

(C) *Acceptability criteria.* The unit shall be served by an approved public or private sanitary water supply. Water heating facilities shall meet requirements stated in division (B)(2) above.

(Ord. 2235, passed 9-2-2014)

* § 151.047 SHADES, DRAPERIES AND WINDOW COVERINGS.

(A) *Performance requirements.*

(1) *Window coverings.* Every window in rooms used for sleeping purposes in rooming units and furnished dwelling units shall be supplied with shades, draperies or other devices or materials which, when properly used, will afford privacy to the occupants. (Blankets, plastic, aluminum foil, sheets and other type of materials shall be prohibited.)

(2) *Window hardware.* Every window in rooms used for sleeping purposes in unfurnished dwelling units shall be supplied with hardware necessary to support shades, draperies or other devices or materials which, when properly used, will afford privacy to the occupants. (Blankets, plastic, aluminum foil, sheets and other type of materials shall be prohibited.)

(B) *Structural requirements.* Structural requirements are the same as performance requirements.

(C) *Acceptability criteria.* Acceptability criteria are the same as performance requirements.

(Ord. 2235, passed 9-2-2014)

* § 151.048 STRUCTURE AND MATERIALS.

(A) *Performance requirements.* The dwelling unit shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment.

(B) *Structural requirements.*

(1) *Generally.* Structural requirements shall be as provided in § [151.053](#) of this chapter.

(2) *Lead-based paints.* The dwelling unit shall be compliance with Housing and Urban Development lead-based paint regulations, 24 C.F.R. part 35, issued pursuant to the Lead-Based Paint Poisoning Prevention Action, 42 U.S.C. § 4801, and the owner shall provide a certification that the dwelling is in accordance with such housing and urban development regulations. If the property was constructed prior to 1950, the residents, upon occupancy, shall be furnished the notice required under the housing and urban lead-based paint regulations, and procedures regarding the hazards of lead-based poisoning, the symptoms and treatment of lead poisoning and the precautions to be taken against lead poisoning.

(C) *Acceptability criteria.* Ceilings, walls and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other serious damage. The roof structure shall be firm and the roof shall be weather-tight. The exterior wall structure and exterior wall surface shall not have any serious defects as serious leaning, buckling, sagging, cracks, holes, loose siding or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways and the like shall be such as not to present danger or tripping or falling. Elevators shall be maintained in safe and operating condition. In the case of a mobile home, the home shall be securely anchored by a

tie-down device which distributes and transfers the loads imposed by the unit to appropriate ground anchors so as to resist wind forces and prevent mobile home from overturning and sliding.

(Ord. 2235, passed 9-2-2014) Penalty, see § [151.999](#)

* § 151.049 SITE AND NEIGHBORHOOD.

This section shall comply with [Ch. 155](#) of this code of ordinances.

(A) *Performance requirements.* The site shall be reasonably free from disturbing noises and reverberations and other hazards to the health, safety and general welfare of the occupants of the neighborhood.

(B) *Structural requirements.*

(1) Buildings should be maintained so as not to present a deteriorated condition indicating a blighted area.

(2) The site should be free of trash and maintained in conformance with accepted standards within the neighborhood. Parking should be organized and parking rules shall be enforced. Garbage receiving areas shall be maintained and kept clean and shall not provide access to rodent infestation or fire hazards.

(C) *Acceptability criteria.* The site shall not be subject to serious adverse environmental conditions, natural or human-made, such as dangerous sidewalks, steps poor drainage, septic tank backup, sewage hazards, mudslides, dust and smoke, excessive accumulation of trash, vermin or rodent infestation or fire hazards.

(Ord. 2235, passed 9-2-2014)

* § 151.050 OCCUPANCY STANDARDS.

(A) *Performance requirements.* No occupant shall allow the occupancy of any dwelling unit or rooming unit within which he or she lives to violate the occupancy standards outlined in § [151.040](#) of this chapter pertaining to occupant's responsibilities.

(B) *Owner's responsibility.* No owner shall knowingly allow the occupancy of any dwelling unit which does not then have a valid rental housing occupancy permit in effect.

(C) *Occupancy permit.* No person shall occupy, nor shall the owner allow the occupancy of, any dwelling unit which does not then have a valid rental housing occupancy permit in effect.

(D) *Structural requirements.* Structural requirements are provided in § [151.037](#) of this chapter.

(E) *Acceptability requirements.* Acceptability criteria are the same as performance and structural requirements.

(Ord. 2235, passed 9-2-2014) Penalty, see § [151.999](#)

* § 151.051 OWNER RESPONSIBILITIES.

(A) *Generally.* The owner's responsibilities under this chapter are as set out in this section.

(B) *Maintenance of structure.*

(1) *Sound condition.* Every foundation, roof, floor, wall, ceiling, stair, step, elevator, handrail, porch, guardrail, sidewalk and appurtenance thereto shall be maintained in a safe and sound condition and shall be capable of supporting the loads that normal use may cause to be placed thereon.

(2) *Weather-proof.* Every foundation, floor exterior wall, interior door, window and roof shall be maintained in a reasonably weather-tight, water-tight, rodent-proof and insect-proof condition.

(3) *Doors/windows.* Every door and window, to include all hardware associated with every door and window, shall be maintained in good and functional condition and shall be capable of providing privacy.

(4) *Interior.* Every interior partition, wall, floor, ceiling and other interior surface shall be maintained so as to permit it to be kept in a clean and sanitary condition and, where appropriate, shall be capable of providing privacy.

(C) *Maintenance of accessory structures.* Every foundation, exterior wall, roof, window, exterior door and appurtenance of every accessory structure shall be so maintained as to prevent the structure from becoming a harborage for rats, or other vermin and shall be maintained in a reasonably water-tight, structurally-sound condition capable of withstanding imposing wind and snow loads.

(D) *Drainage.*

(1) *Rainwater drainage.* Rainwater shall be directed away from the building so as to prevent water damage to structure.

(2) *Grading and drainage.* Every premise shall be graded so no stagnant water will accumulate or stand thereon,

(3) *Exception.* This section shall not affect the existence or maintenance of approved storm water detention systems.

(E) *Chimneys.* Every chimney shall be adequately supported and maintained in a reasonable good state of repair.

(F) *Protection of wood exterior surfaces.*

(1) *Generally.* All exterior wood surfaces of a dwelling and its accessory structures, porches and similar appurtenances shall be protected from the elements against decay by non-lead paint or other approved protective covering.

(2) *Exception.* Any exterior wood surface comprised of a type of species of wood which resists or which has been treated to resist decay and infestation shall be exempted from the requirement of division (F)(1) above when approved by the Inspector.

(G) *Egress from structure.* Every means of egress shall be maintained in good condition and shall be free from obstruction at all times.

(H) *Hanging screens and storm windows.* The owner or operator of the premises shall be responsible for hanging all screens and storm windows, except when there is a written agreement between the owner and the occupant to the contrary. Any such agreement shall be available to the Inspector during the inspection of the dwelling. Screens shall be provided no later than May 1 of each year and storm windows shall be provided no later than November 1 of each year.

(I) *Electrical system.* The electrical system of every dwelling or accessory building shall not, by reason of overloading, dilapidation, lack of insulation, improper fusing or for any other cause, expose the occupants to hazards of electrical shock. The owner should allow tenant access to fusing and electrical disconnect means.

(J) *Maintenance of plumbing fixtures.* Every plumbing fixture and water and waste pipe shall be maintained in a good and sanitary working condition. Water pressure shall be adequate to permit proper flow of water from all open outlets at all times, except during maintenance and repair.

(K) *Maintenance of gas appliances and facilities.*

(1) *Gas piping.* Every gas pipe shall be sound and tightly put together and shall be free of leaks, corrosion and obstruction causing reduced pressure or volume.

(2) *Gas pressure.* Gas pressure shall be adequate to permit a proper flow of gas from all open gas valves at all times, except during maintenance.

(L) *Maintenance of heating and cooling facilities.* The heating equipment of each dwelling shall be maintained in a good, safe working condition and shall be capable of heating all habitable rooms and bathrooms located therein to the minimum temperature required by this chapter. However, heating and cooling equipment shall not be required to be maintained in operational condition during what is considered to be the off-season periods.

(M) *Floors.* Every toilet room floor surface, bathroom floor surface and kitchen floor surface shall be maintained so as to permit them to be kept in a clean, dry and sanitary condition.

(N) *Supplied facilities.* No supplied facility shall be removed, shut off disconnected from any occupied dwelling unit or rooming unit, except for such temporary interruptions as may be necessary while actual repairs, replacement or alterations are being made, unless authorized by court order.

(O) *Maintenance of sanitary facilities.* All toilets, baths and lavatory basins shall be maintained in good working condition.

(P) *Fire protection.* All fire extinguishers and early warning fire safety systems shall be maintained in proper working order at all times. Smoke detectors shall be properly installed and maintained at all times. Anyone who fails to take immediate action to abate a hazard when notified by the code official shall be subject to citation.

(Q) *Pest extermination.* The owner or operator shall be responsible for extermination of pests when it is determined by the County Health Officer or his or her designated agent that the infestation is present in two or more dwelling units or rooming units within a dwelling.

(R) *Units to be let only when clean and sanitary.* No owner or operator shall permit occupancy of any vacant dwelling unit or rooming unit unless it is clean, sanitary and fit for human occupancy.

(S) *Garbage disposal.* Every owner or operator of a dwelling unit shall supply adequate facilities for the disposal of garbage in compliance with this chapter.

(T) *Occupancy control.* A dwelling unit shall not contain more than one family or more than four unrelated persons.

(U) *Cooking in rooming units.* No owner or operator shall knowingly allow the use of cooking equipment within any rooming unit, except for specifically supplied kitchens or kitchenettes meeting the provisions in this chapter.

(V) *Tornado shelter.* In multi-dwelling units, the owner of a dwelling unit shall identify and maintain a tornado shelter for use by occupants of each dwelling unit. The owner shall post a notice in each dwelling unit indicating the location of this site in relation to the dwelling unit.

(W) *Address numbers.* New and existing buildings shall have approved address numbers, building numbers or approved identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of one-half inch (12.7 mm).

(Ord. 2235, passed 9-2-2014) Penalty, see § [151.999](#)

* § 151.052 CLEANLINESS AND SANITATION.

(A) *General.* The occupant of a dwelling unit or rooming unit shall keep in a clean, safe and sanitary condition that part of the dwelling, dwelling unit, rooming unit or premises thereof that he or she occupies and controls, to include the following.

(1) *Flooring.* Every floor and floor covering shall be kept reasonably clean and sanitary.

(2) *Walls/ceilings.* Every wall and ceiling shall be kept reasonably clean and free of dirt or greasy film.

(3) *Refuse storage.* No dwelling unit shall be used for storage of refuse, except as provided in this chapter.

(4) *Outside areas.* Outside areas shall comply with the city's nuisance codes.

(B) *Plumbing fixtures.* The occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the reasonable care, proper use and proper operation thereof.

(C) *Extermination of pests.* The occupant of a single-family dwelling shall be responsible for the extermination of any insects, rodents or other pests on the premises. The occupant of a dwelling containing two or more units or rooming units shall be responsible for such extermination within the unit occupied by him or her whenever the unit is the only one infested. However, whenever it is determined by the County Health Officer or his or her designated agent that infestation is caused by failure of the owner to maintain a dwelling in a reasonable rodent proof or insect proof condition, extermination shall be the responsibility of the owner.

(D) *Storage and disposal of garbage.* The occupant of a dwelling shall dispose rubbish, garbage and any other organic waste in a clean and sanitary manner by placing it in the supplied facilities or containers required by this chapter.

(E) *Electrical wiring.* The occupant of a dwelling unit or rooming unit shall use no temporary wiring or extension cords which run directly from portable electric fixtures to convenience outlets and which do not lie beneath floor coverings or extend through doorways, transoms or similar structural elements or are attached thereto. The occupant shall not knowingly overload the circuitry of the dwelling or rooming unit.

(F) *Supplied facilities.* The occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the reasonable care, proper use and proper operation thereof.

(G) *Fire safety devices.* The occupant shall not tamper with or disable any fire extinguisher or early warning protection device or system. All tenants listed on the dwelling unit's lease agreement shall be held responsible for any tampering or disabling within the unit and shall be subject to citation. Anyone who fails to take immediate action to abate a hazard when notified by the code official shall be subject to citation. The tenant along with the owner shall be held responsible for the replacement of batteries in smoke detectors and carbon monoxide detectors.

(H) *Filing a complaint.* In the event that a tenant files a complaint against his or her landlord to the Housing Inspector, the complaint must be in writing stating what the complaint is and must be signed and dated by the tenant. (Ord. 2235, passed 9-2-2014) Penalty, see § [151.999](#)

* § 151.053 SUBSTANDARD RENTAL UNITS.

(A) *Generally.* Any rental unit or portion thereof, including any dwelling unit, guestroom or suite of rooms, or the premises on which the unit is located, in which there exists any of the conditions listed in this section, to the extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby is declared to be a substandard building.

(B) *Substandard conditions.* Substandard conditions shall include, but not be limited to, the following:

(1) Lack of proper water closet, lavatory, bathtub or shower;

(2) Lack of proper kitchen sink;

(3) Lack of hot and cold running water to plumbing fixtures;

(4) Lack of heating facilities;

(5) Lack of or improper operations required ventilating equipment;

(6) Lack of or minimum amounts of natural light and ventilation require by this chapter;

(7) Room and space dimensions less than required by this chapter;

- (8) Lack of required electrical lighting;
- (9) Dampness of habitable rooms;
- (10) Infestation of insects, vermin or rodents as determined by the health officer;
- (11) General dilapidation or improper maintenance;
- (12) Lack of connection to the required sewage disposal system;
- (13) Lack of adequate garbage and rubbish storage and removal facilities as determined by the Health Officer;

and

- (14) Lack of valid minimum rental housing occupancy permit for the dwelling unit.

(C) *Structural hazards.* Structural hazards shall include, but not limited to, the following:

- (1) Deteriorating or inadequate foundations;
- (2) Defective or deteriorating flooring or floor supports;
- (3) Flooring or flooring supports of insufficient size to carry imposed loads with safety;
- (4) Members of wall, partitions or other vertical supports that split, lean, list or buckle due to defective material

or deterioration;

(5) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;

(6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;

(7) Members of ceiling, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;

(8) Fireplaces or chimneys which list, bulge or settle due to material deterioration; and

(9) Fireplaces or chimneys which are insufficient size or strength to carry imposed loads with safety.

(D) *Hazardous wiring.* Hazardous wiring shall include all wiring, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner,

(E) *Hazardous plumbing.* Hazardous plumbing shall include all plumbing, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections and siphoning between fixtures.

(F) *Hazardous mechanical equipment.* Hazardous mechanical equipment shall include all mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.

(G) *Faulty weather protection.* Faulty weather protection shall include, but not be limited to, the following:

(1) Deteriorated, crumbling or loose plaster;

(2) Deteriorating or ineffective water-proofing of exterior walls, roofs, foundations or floors, including broken windows or doors;

(3) Defective weather protection or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering; and

(4) Broken, rotted, split or buckled exterior wall coverings or roof.

(H) *Fire hazards.* Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Chief of Fire Department or his or her designee, is in such condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be deemed a fire hazards.

(I) *Faulty materials of construction.* Faulty materials of construction shall include all materials of construction, except those which are specifically allowed or approved by this chapter and the building code, and which have been adequately maintained in good and safe condition.

(J) *Hazardous or unsanitary premises.* Hazardous or unsanitary premises shall include those premises on which an accumulation or weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire health or safety hazards.

(K) *Inadequate maintenance.* Any building or portion thereof which is determined to be an unsafe building in accordance with the Building Code of the city shall be deemed to be inadequately maintained.

(L) *Inadequate exits.* All buildings or portion thereof not provided with adequate exit facilities as required by this chapter shall be deemed to have inadequate exits. When an unsafe condition exists through lack of or improper

location of exits, additional exits may be required to be installed.

(M) *Inadequate fire resistive construction or firefighting equipment.*

(1) *Fire resistive.* All buildings or portion thereof which are not provided with the fire-resistive construction required by this chapter shall be deemed to have inadequate fire-resistive construction, except those buildings or portions thereof which the owner proves by clear satisfactory and convincing evidence:

(a) Conformed with all applicable laws at the time of their construction, conversion to rental dwelling unit status and increase in number of rental dwelling units; and

(b) Whose fire-resistive construction has been adequately maintained and improved with any increase in number of dwelling units or occupant load, and with any alteration, addition or change in occupancy.

(2) *Deemed inadequate.* All buildings or portions thereof which are not provided with the fire extinguishing system or equipment required by this chapter shall be deemed to have inadequate fire extinguishing systems or equipment.

(N) *Improper occupancy.* Improper occupancy shall include any occupancy of a building or portion thereof occupied for living, sleeping, cooking or dining purposes which was not designed or intended to be used for such occupancy. Improper occupancy shall also include the occupancy of, or allowing the occupancy of, any dwelling unit for which there is not in effect a valid and current minimum rental housing occupancy permit or a valid and current registration receipt with respect to said dwelling.

(Ord. 2235, passed 9-2-2014) Penalty, see § [151.999](#)

APPEALS AND VARIANCES; ENFORCEMENT

* § 151.065 APPEAL.

Any person affected by any written notice or order of the rental housing inspector issued under the provisions of this chapter may appeal such notice or order to the Building and Trades Board established under the International Residential Code and the International Building Code, which are adopted by the city. The appeal shall be filed within 30 days from the date of service of the notice or order of the Rental Housing Inspector.

(Ord. 2235, passed 9-2-2014)

* § 151.066 FEE.

The appeal may request that the notice or order be modified or revoked, or that a variance be granted. The person filing the appeal shall require to pay a fee from the processing of the appeal in such amount as determined by resolution of the City Council.

(Ord. 2235, passed 9-2-2014)

* § 151.067 FILING.

The form of the appeal and the procedures for processing the appeal and for conducting the appeal hearing shall be governed by Ch. 1, § R112 of the International Residential Code, except as otherwise provided in this section. The appeal shall be filed at the office of the city clerk, who will immediately forward a copy thereof to the Fire Chief of the city. The Fire Chief and the Director of Planning and Zoning shall assign staff to review the appeal and prepare a staff review and report to the Building and Trades at least five days prior to the hearing. One or more of such designated staff persons shall attend the hearing. The Housing Advisory and Appeals Board shall conduct a hearing on the appeal within 60 days of the date of filing of the appeal with the City Clerk.

(Ord. 2235, passed 9-2-2014)

* § 151.068 HEARING.

At the hearing on the appeal, the party who is appealing shall have an opportunity to be heard and to show cause why such notice or order should be modified or revoked, or why a variance should be granted. The party who is appealing shall have the burden of proof to show that the notice or order should be modified or revoked, or that the variance should be granted. The proof shall be clear, satisfactory and convincing evidence.

(Ord. 2235, passed 9-2-2014)

* § 151.069 DECISION.

The Board, by majority vote, may sustain, modify or revoke the notice or order, or may grant or deny the variance.

(Ord. 2235, passed 9-2-2014)

* § 151.070 IN WRITING.

In case of appeals requesting that the Board modify or revoke a notice of order, the Board shall determine whether the notice or order of the Rental Housing Inspector properly and correctly interprets and applies the provisions of this chapter. The Board shall issue a written decision in accordance with its findings of fact, based on the evidence

presented on the record of the whole.

(Ord. 2235, passed 9-2-2014)

* § 151.071 VARIANCES.

In the case of appeals requesting a variance, the Board may grant a reasonable variance in a specific case and from a specific provision of this chapter, subject, however, to appropriate conditions; and, provided that, the Board makes specific findings of fact based on the evidence presented on the record as a whole, that the following factors have been established by the required standard of proof:

(A) There are practical difficulties or unnecessary hardships in carrying out the strict letter of the notice of order;

(B) Due to the particular circumstances presented, the effect of the application of the provisions of this chapter would be arbitrary in the specific case;

(C) An extension of time to bring the property into compliance with the provisions of this chapter would not constitute an appropriate remedy for this practical difficulties or unnecessary hardships in this arbitrary effect;

(D) Such a variance is in harmony with the general purpose and intent of this chapter in securing the public health, safety and general welfare;

(E) The granting of such variance will not render the structure unsafe for habitation; and

(F) The structure benefitted by the variance conformed with all applicable provisions of this code of ordinances, including, but not limited to, zoning provisions, at each of the following times:

(1) At time of construction;

(2) At the time of its conversion to rental dwelling status; and

(3) At the time of any increase in number of rental dwelling units in the structure.

(Ord. 2235, passed 9-2-2014)

* § 151.072 OPEN MEETINGS.

Hearings conducted under this section shall be open to the public during the presentation of testimony and other evidence and during any argument or discussion the Board may permit. Upon completion of the submission of evidence, the Board shall make findings and determination based upon thereon. The Board may request assistance from the City Attorney's office in formalizing its findings and determinations, which shall be issued in written form. Findings and determination shall be made no later than 30 days after the hearing.

(Ord. 2235, passed 9-2-2014)

* § 151.073 APPEAL OF DECISION.

Either the party who is appealing or the city may appeal the decision of the Board to a court of competent jurisdiction within 30 days of the date of the decision of the Board. If the decision of the Board is not appealed, it shall become final.

(Ord. 2235, passed 9-2-2014)

* § 151.074 RECORDED.

Variations issued by the Board shall be recorded in the Rental Housing Inspector's records of the property, and a copy of the variance shall be filed in the office of the Recorder of the county.

(Ord. 2235, passed 9-2-2014)

* § 151.075 MUNICIPAL INFRACTION APPEAL.

A municipal infraction citation that is issued to any person for a violation of any provisions of this chapter shall not be the subject of an appeal or a request for a variance under this section. All municipal infraction citations shall be governed by the provisions of this code of ordinances and by Iowa Code § 364.22.

(Ord. 2235, passed 9-2-2014)

* § 151.076 POSTING, MAILING AND FILING OF NOTICE OF SUSPENSION; RECORDS.

(A) *Notice.*

(1) *Posting and mailing.* For any suspension of the minimum housing occupancy permit of a dwelling unit that becomes final either when no appeal is timely filed, or if an appeal is filed, then when the decision on appeal becomes final, the City Clerk shall cause to be posted at the dwelling unit, mailed to the owner, mailed to the dwelling unit and filed in the office of the Recorder of the county a notice of suspension with the complete address of the dwelling unit is located. The notice shall contain the effective date of the suspension, and its duration, and that the entering into an oral or written lease of the dwelling unit, the collection of rent on, or allowing the occupancy of or occupying, the dwelling unit during or applicable to the period of the suspension is prohibited.

(2) *Filing and records.* The City Clerk shall keep a record of each dwelling unit whose minimum rental housing

occupancy permit has been suspended under this section, and shall make such record available to the public inspection during the hours of office of the City Clerk is open. The record shall include the address of the dwelling unit, including unit number or apartment number; the effect date of the suspension of the occupancy permit of such dwelling unit; the duration of such suspension; and the name and address of the owner of the property upon which the dwelling unit is located.

(B) *Defense of suspension; retention of previous infraction points.*

(1) *Defense of suspension.* It shall be a defense to a suspension proceeding if the owner has, prior to the date of filing of the notice of appeal, commenced and has made a good-faith effort to successfully complete all legal proceedings, including recovery of possession of the dwelling unit, necessary under state law to evict all of the tenants who occupied the dwelling unit with respect to which the suspension relates at the time the founded complaint which resulted in the issuance of the notice of suspension occurred. The Board may, in its sole discretion, grant a delay of not more than 30 days in scheduling the date of the hearing on the notice of suspension, if the owner presents documentation with the filing of the appeal demonstrating that such eviction proceedings have been initiated by the owner with respect to the tenants of such dwelling unit, and such proceedings are being diligently prosecuted by owner.

(2) *Infraction point remain.*

(a) If defense to a suspension proceeding is established under division (B)(1) above, then the number of infraction points which had been assessed against the dwelling unit prior to the occurrence of the founded complaint upon which the notice of suspension was based shall remain in effect against the dwelling unit despite the establishment of the defense of the suspension.

(b) However, the Board shall have discretion to remove some or ail of the infraction points which have been assessed against the owner of the dwelling unit under appropriate circumstances, which include a finding by Board that:

1. The owner has succeeded in evicting the tenants who occupied the dwelling unit at the time the infraction points in question were assessed to such dwelling unit, or such tenants have all voluntary vacated the dwelling unit and the lease has been terminated; and

2. The owner has sold the property upon which the dwelling unit is located in an arm's length transaction to an unrelated party.

(c) Such other circumstances exist as, in the reasonable judgment of the Board, justify removal of some or all of the infraction points theretofore assessed against the owner of the dwelling unit.

(Ord. 2235, passed 9-2-2014)

RENTAL HOUSING

* § 151.090 SUSPENSION OF RENTAL HOUSING OCCUPANCY PERMIT; CERTIFICATION.

(A) *General.* A minimum rental housing occupancy permit issued to an owner of any dwelling unit under the provisions of this chapter may be suspended as provided in this section.

(B) *Certification by owner.* Prior to the city's issuance of either a minimum rental housing permit under § [151.021](#)(A) of this chapter, the owner of the dwelling unit shall be required to sign a certification in writing on a form furnished by the city that the owner shall comply with each of the following requirements with respect to such dwelling unit, for as long as such dwelling unit is subject to the provisions of this chapter.

(1) *Copies required.*

(a) At the time of entering a required written lease covering the dwelling unit, the owner shall furnish to the tenants who will occupy the dwelling unit one copy of each of the following documents.

1. The then-current version of Iowa Code Ch. 562A, titled Uniform Residential Landlord and Tenant Act; and

2. The then-current version of this chapter.

(b) The owner shall cause the tenants to acknowledge in writing their receipt of the documents described in division (B)(1)(a) above.

(2) *Violation.* Failure of the owner to comply with the requirements of this section with respect to any dwelling unit owned by the owner shall be grounds for the assessment of infraction points covering such dwelling unit as provided in § [151.092](#) of this chapter.

(Ord. 2235, passed 9-2-2014)

* § 151.091 REQUIREMENTS; PUBLIC NUISANCES.

(A) It shall be the responsibility of the owner of each dwelling unit that is subject to the provisions of this chapter to assure that the use and occupancy of such dwelling unit does not unreasonably interfere with or adversely affect the rights of nearby residents to the quiet enjoyment of their property, and does not disturb the health, safety, comfort or general welfare of the occupants of surrounding properties.

(B) Any use or occupancy, or allowing the use or occupancy, of any dwelling unit subject to the provisions of this chapter in violation of the requirements of division (A) above shall constitute a public nuisance.

(Ord. 2235, passed 9-2-2014)

• § 151.092 ASSESSMENT OF INFRACTION POINTS; APPEAL.

(A) *Founded complaint of violations.*

(1) In addition to the possibility of the issuance of a municipal infraction, the owner of any dwelling unit subject to the provisions of this chapter at which a founded complaint of a violation of any of the following provisions of this code occurs shall be assessed infraction points, in accordance with the following schedule:

For over-occupancy of a minimum rental housing dwelling unit in violation of § 151.037	Five points
For occupancy of a dwelling unit without having obtained a minimum rental housing occupancy permit in violation of § 151.021 (A)	Five points
For any illegal creation of new dwelling units or creation of additional bedrooms within existing dwelling units, in violation with this code of ordinances	Five points
For unauthorized building improvements requiring building, electrical, plumbing and mechanical or zoning permits, in violation of this code of ordinances	Five points
For illegal front yard/side yard parking, in violation of §§ 94.03 and 94.04 of this code of ordinances	Three points for each violation per vehicle and occasion
For creation of an unapproved parking area or parking lot or unauthorized expansion of an existing parking lot or parking area, in violation of this code of ordinances	Five points
For violations of the minimum rental housing code, in violation of this chapter, except those expressly provided for elsewhere in this section	Three points for each violation
For failure to comply with any minimum rental housing code inspection schedule of corrections following initial inspection, in violation of § 151.021 of this code of ordinances	Five points, for each re-inspection after the first re-inspection that may be required for occupancy permit approval.
For loud parties, in violation of § 130.01 of this code of ordinances, or for bootlegging, in violation of I.C.A. § 123.59	Five points, but not five points for each violations if they arise out of the same act or occurrence
For improper use of furniture designed for use indoors that is placed in outdoor/yard areas or improper outdoor storage of miscellaneous debris items, in violation of § 94.02 (B), (D) and (X) of this code of ordinances	Three points
Failure to remove snow and ice from public sidewalks within a reasonable time of a weather event producing snow and/or ice coverage, in violation of § 94.02 of this code of ordinances	Three points
For improper placement of discarded household “bulk” items (i.e., furniture, appliances or other similar household items) at the street curb for more than 72 hours without arranging for proper refuse collection, in violation of § 94.02 (B) of this code of ordinances	Three points
For junk and inoperable vehicles, including unlicensed vehicles, on the property, in violation of § 94.04 of this code of ordinances	Three points for each vehicle

For trash or litter in yard areas of the property, in violation of § 94.02(D) of this code of ordinances	Three points
For overflowing trash dumpsters or refuse cans which generate trash and litter, in violation of § 94.02(B) , (D) and (X) of this code of ordinances	Three points
For brush piles and other vegetative debris, in violation of §§ 94.04(F) and 94.05(A) of this code of ordinances	Three points
For illegal burning of trash, leaves or other vegetation, in violation of § 50.001 of this code of ordinances	Three points
For unauthorized outdoor fires, in violation of § 50.005 of this code of ordinances	Three points
For un-mowed grass, weeds, in violation of § 90.02 of this code of ordinances	Three points
For overgrown, brush, tree branches or other vegetation planted and growing on private property that obstructs the public sidewalk, in violation of § 94.05(A) of this code of ordinances	Three points
For refuse containers, carts placed at the curb more than 24 hours before scheduled refuse pick-up or failure to remove said containers or carts from curb area and return to the residence more than 12 hours after refuse pick-up, in violation of § 94.02(D) of this code of ordinances	Two points
For making or causing noise in violation of § 130.01 of this code of ordinances	Two points
For any other nuisance enumerated in the city's nuisance code	Two points
For failure of the owner to comply with the requirements set forth in § 151.090(B) , relating to certification of owner	Three points
For failure of the owner of any property, or such owner's manager, to respond to request from the City Police Department or Fire Department to come to a dwelling unit owned by such owner, after being personally notified and requested to do so, in connection with a police investigation or investigation by the Fire Department or any incident at such dwelling unit upon which a founded complaint is based with one hour of being notified by the police to come to the dwelling unit	Five points

(2) For purposes of this division (A), a complaint of a violation shall be considered a **FOUNDED COMPLAINT** if, upon investigation by the city, there is reasonable cause to believe that the conduct upon which the complaint is based actually occurred on or at a particular dwelling unit that is subject to the provisions of this chapter, and such conduct occurred within 90 days of the time the city became aware of such conduct.

(B) *Appeal; record of assessment of infraction points.* Following a determination by the city that a founded complaint has occurred with respect to a dwelling unit that is subject to the provisions of this chapter, such dwelling unit shall be assessed with the number of infraction points that correspond to the violation or violations that pertain to the founding complaint, in accordance with the provisions of this section.

(1) *Exception.* Infraction points not to be assessed under certain circumstances.

(a) If, in the reasonable judgment of the Inspector or Code Enforcement employee or, in the event by the owner, in the reasonable judgment of the Board of rental housing appeals established under § [151.094](#) of this chapter, the owner of the dwelling unit makes in good-faith, reasonable and timely effort to assist the city in correcting the problems that led to founded complaint, the city shall not assess any infraction points against the owner of the dwelling unit with respect to which the founded complaint occurred.

(b) In order for the owner's effort to be considered to be timely, the owner must contact the city within three business days from the date the notice in division (B)(2) below is given to the owner.

(c) In order for the owner's effort to be considered to be in good-faith and reasonable, the owner shall take

or shall have taken such steps as are:

1. Reasonable under all of the circumstances to correct the problems that led to the founded complaint; and
2. Reasonable action calculated to prevent such problems from recurring with respect to that dwelling unit

or those tenants in the future.

(d) Such steps may include, but are not limited to, either or both of the following steps:

1. Certifying in writing to the city that the owner, or the owner's manager or other agent, has communicated with the tenants of the dwelling unit in question, has explained to them the acts or conduct upon which the founded complaint is based, that such acts or conduct are in violation of one or more city ordinances listed in division (A) above and has explained to the tenants the consequences of such violations under this division (B), and the consequences, if any, under the lease between the owner and the tenants of the dwelling unit; or
2. Obtaining from the tenants of the dwelling unit in question a written statement that the tenants know that the acts or conduct upon which the founded complaint is based constitutes a violation of one or more city ordinances listed in division (A) above, and agreeing to refrain from such acts or conduct in the future.

(e) Nothing contained in this division (B) shall be construed to prevent the assessment of infraction points by the city against the owner of the dwelling unit with respect to which the founded complaint is based, if the owner fails, in the reasonable judgment of the city, to make a good-faith, reasonable and timely effort to assist the city in correcting the problems that led to the founded complaint; or, despite the owner having made a good-faith reasonable and timely effort to assist the city in correcting the problems that led to a founded complaint with respect to the dwelling unit, there is a recurrence of the same or a substantially similar violation of the ordinances described in division (A) above that led to a founded complaint with respect to the same dwelling unit within the 12-month period immediately following the date of occurrence of that founded complaint.

(2) *Notice.* The Code Enforcement Division of the City Fire Department shall cause a notice to be given to the owner of the dwelling unit against which any infraction points are assessed under this division (B). The notice shall be mailed by certified mail addressed to the owner of the dwelling unit as such owner's last known address. The notice shall be deemed complete upon mailing. It shall be the responsibility of such owner to notify the city in writing of any change in the owner's mailing address from the address specified on the owner application for minimum rental housing occupancy permit and on the owner's application for annual inspection, and any failure of the owner to do so shall bar the owner from challenging the validity of any notice given by the Code Enforcement Division of the City Fire Department to the owner which is mailed to the address specified by such owner on said application.

(3) *Appeal.* The owner may appeal the assessment of infraction points against the dwelling unit filing a written notice of appeal with the City Clerk within 14 days of the date of mailing of the notice of assessment of infraction points, in the manner described in § [151.093](#)(B) of this chapter. The failure of the owner to timely file an appeal of the assessment of infraction points shall constitute a waiver of the owner's right to contest the validity of the assessment of such infraction points against the dwelling unit for any purpose in all subsequent proceedings with respect to such dwelling unit, including any contest based upon such owner not having received the notice of assessment, if the notice was sent to the owner at the address specified on the owner's most recently filed application for minimum rental housing occupancy permit or application for annual registration, as provided herein.

(4) *Record of assessment of infraction points.* The Code Enforcement Division of the City Fire Department shall keep a record of the assessment of infraction points against each dwelling unit under this subchapter, and shall make such record available for public inspection during business hours of the Code Enforcement Division. The record shall include the address of the dwelling unit, including unit number or apartment number; the date of the assessment of the infraction points against the dwelling unit; the number of assessment points assessed against the dwelling unit on each such date; and the name and address of the owner of the property upon which the dwelling unit is located.

(Ord. 2235, passed 9-2-2014)

* § 151.093 SUSPENSION OF OCCUPANCY PERMITS; APPEAL.

(A) *Suspension.*

(1) *Suspension for accumulation of infraction points.* In the event any dwelling unit that is covered by this chapter is assessed 15 or more infraction points in rolling 12-month period under the provisions of this subchapter, the minimum rental housing occupancy permit covering such dwelling shall be subject to suspension as provided in this section for a period of six months if the occupancy permit has not been previously suspended, or for 12 months, if the dwelling unit's occupancy permit has previously been suspended under this subchapter. For purposes of this

division (A), any points assessed against a dwelling unit shall be deemed to have been assessed as of the date that the conduct upon which the founded complaint which led to the assessment of points actually occurred.

(2) *Notice of suspension.* If the occupancy permit covering any dwelling unit becomes subject to suspension as provided in division (A)(1) above, the City Clerk shall cause a notice of suspension to be given to the owner of the dwelling unit. The notice of suspension shall be mailed by certified mail addressed to the owner of the dwelling unit at such owner's last known address. The notice shall be deemed complete upon mailing, it shall be the responsibility of such owner to notify the city in writing of any change in the owner's mailing address from the address specified on the owner's application for minimum rental housing occupancy permit and on the owner's application for annual registration.

(3) *Appeal of suspension.* The owner may appeal the notice of suspension by filing a written notice of appeal with the City Clerk within 20 days of the date of mailing of the notice of suspension, in the manner described in division (B) below. The failure of the owner to timely file an appeal of the suspension shall constitute a waiver of the owners' right to contest the suspension of the occupancy permit for any purpose in all subsequent proceedings with respect to such dwelling unit, including any contest based upon such owner not having received the notice of suspension, if the notice was sent to the owner at the address specified by the owner's most recently filed application for minimum rental housing occupancy permit or application for annual registration, as provided in § [151.092](#)(B) of this chapter.

(4) *Effective date of suspension.* Any suspension of an owner's minimum rental housing occupancy permit covering a dwelling unit shall become effective at the end of 30 days if the property is occupied, unless suspension is due to immediate life or safety hazard. The Inspector has the discretion to extend date of suspension to no more than 90 days. If property is vacant than suspension becomes effective immediately.

(B) *Appeal.*

(1) *Filing of appeal.* Any appeal of the assessment of infraction points or appeal of the suspension of occupancy permit under this subchapter shall be in writing, mailed or delivered to the office of City Clerk at 101 W4th St. S, Newton, Iowa 50208, with in the required time as provided in this subchapter.

(2) *Notice requirements.* Any notice of appeal under this subchapter shall contain the following information:

- (a) The name, current mailing address and current telephone number, including area code, of the owner of the dwelling unit;
- (b) The complete address, including apartment number, if any, of the dwelling unit to which the appeal relates;
- (c) A copy of the notice to which the owner's appeal relates or, in lieu thereof, a description of the notice to which the appeal relates;
- (d) A brief summary of the facts and circumstances in support of the owner's appeal; and
- (e) The name, address and telephone number, including area code, of the representative of the owner who will participate in the appeal if the owner is not a natural person.

(3) *Written notice.* The City Clerk shall send a written notice by ordinary mail to the owner at the owner's mailing address listed in the notice of appeal, of the date, time and location of the hearing on the owner's appeal at least ten days prior to the date of hearing. The notice of hearing on the appeal shall be deemed complete upon mailing.

(4) *Hearing.* The hearing on the owner's appeal shall be conducted in accordance with the provisions of § [151.095](#) of this chapter.

(Ord. 2235, passed 9-2-2014)

* § 151.094 BOARD OF RENTAL HOUSING APPEALS.

(A) *Board.* There is hereby established a Board of Rental Housing Appeals and shall consist of the City Building and Trades Board.

(B) *Appeal.* The Board shall hear and consider all appeals of assessment of infraction points and appeals of suspensions of occupancy permits under this subchapter.

(Ord. 2235, passed 9-2-2014)

* § 151.095 HEARING ON APPEALS.

(A) *Time.* The hearing on the appeal shall be scheduled for a date that is within 30 days of the date of filing of the notice of appeal with the City Clerk.

(B) *Owner representative.* At the hearing on the appeal, the owner, or the owner's representative if the owner is not a natural person, may appear at the hearing. The owner may be represented by legal counsel at owner's expense.

(C) *City representative.* At the hearing, the city shall be represented by the city officer or employee who was involved in the investigation of the founded complaint together with a representative of the City Attorney's office.

(D) *Burden of proof.* The party who is appealing shall have the opportunity to be heard and to present evidence as to why the notice of assessment of infraction points, or the notice of suspension of the occupancy permit, as the case may be, should be modified or denied. The party who is appealing shall have the burden of proof to show that the notice of assessment of points or the notice of suspension would be modified or denied by clear, satisfactory and convincing evidence.

(E) *City position.* The city shall have the opportunity to be heard and may present evidence as to why the notice of assessment of infraction points, or the notice of suspension of the occupancy permit, as the case may be, should be sustained.

(F) *Decision.* The Board, by majority vote, may sustain, modify or deny the assessment of infraction points or the suspension of the occupancy permit, as the case may be, in a manner deemed appropriate, including assessment of fewer infraction points against the dwelling unit than contained in the notice, or suspension for a lesser period, of time provided for in the notice or in this division. The Board shall issue a written decision in accordance with its findings of fact, based upon the evidence presented at the hearing on the record as a whole and based upon any relevant circumstances, including, but not limited to, the provisions of § [151.092](#)(B) of this chapter.

(G) *Open meetings.*

(1) Hearings conducted under this subchapter shall be open to the public during the presentation of testimony or other evidence and during any argument or discussion that the Board may permit.

(2) Upon completion of the presentation of evidence, argument and discussion, the Board shall make findings of fact and determination based thereon, either at the hearing or within the time specified in this subsection. The Board may request assistance from the City Attorney's office in formalizing its findings and determinations, which shall be issued in written form.

(3) Such findings and determinations shall be made and issued within 30 days after the date of hearing.

(H) *Appeal.* Either the owner or the city may appeal the decision of the Board to a court of competent jurisdiction within 20 days of the date of the written decision of the Board. If the decision is not appealed in a timely manner, it shall become final.

(Ord. 2235, passed 9-2-2014)

- § 151.999 PENALTY.

(A) *General.* Any person violating any provision of this chapter shall be deemed guilty of a municipal infraction and, upon conviction thereof, shall be subject to civil penalty set by the city.

(B) *Violation in general.* Any person who violates any provision of this chapter other than §§ [151.021](#)(A)(1) and [151.037](#)(C) of this chapter shall be deemed guilty of a municipal infraction and, upon conviction thereof, shall be subject to civil penalty, plus court cost and for such other relief as provided in section [10.99](#) of this code, unless another penalty is expressly provided for such violation by this chapter.

(C) *Violations of §§ [151.021](#)(A)(1) and [151.037](#)(C) of this chapter.* Any person who violates §§ [151.021](#)(A)(1) and [151.037](#)(C) of this chapter shall be deemed guilty of a municipal infraction and, upon conviction thereof, shall be subject to the following civil penalties, plus court costs and for such other relief as is provide in § [10.99](#)(A) of this code of ordinances.

(D) *Occupancy while suspended.* It is unlawful to lease, collect rent on or occupy dwelling unit whose occupancy permit has been suspended.

(E) *Agreement.* It shall be unlawful and a violation of this chapter for the owner of the dwelling unit to enter into an oral or written lease of, collect rent on or allow the occupancy of, any dwelling unit whose occupancy permit has been suspended under the provisions hereof, during or applicable to the period of suspension.

(F) *Posting.* It shall be unlawful and a violation of this chapter for any person to occupy any dwelling unit whose occupancy permit has been suspended under the provisions hereof during the period of suspension, once the notice of suspension has been posted at the dwelling unit and mailed to the dwelling unit.

(G) *Penalty.* Any violation of divisions (E) or (F) above shall constitute a municipal infraction punishable by a civil penalty as provided in § [10.99](#)(A) of this code of ordinances.

(H) *Other relief.* In addition to any of the remedies or procedures set forth in this chapter, the City Attorney is authorized to file for injunctive relief to abate any public nuisance that is based upon founded complaint of a violation described herein, or to file any other legal proceedings to enforce the provisions hereof, this chapter or of this code.

(I) *Other penalties.* The city may issue a municipal infraction citation to the owner or any occupant of a dwelling unit, or both, for a violation of any of the provisions of this chapter or of this code, in addition to the assessment of infraction points against such dwelling unit hereunder for the same conduct or incident which forms the basis of the municipal infraction citation or citations against the owner or occupant of such dwelling unit.
(Ord. 2235, passed 9-2-2014)

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