

CHAPTER 152: HOUSING CODE

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GENERAL PROVISIONS

§ 152.001 CITATION OF CHAPTER.

This chapter may be referred to as the "Housing Code of the City of Marshalltown, Iowa".
(2013 Code, § 15.5-1) (Ord. 14437, passed 8-23-1993)

§ 152.002 ADOPTION OF HOUSING STANDARDS; STATEMENT OF PURPOSE.

(A) The city adopts by reference the housing quality standards promulgated by the United States Department of Housing and Urban Development, as set forth in the Federal Register, 12-29-1978, part VII, § 882.109, and as provided for

by I.C.A. § 562A.15.

(B) The purpose of this chapter is to establish minimum health and safety standards for all rental housing in the city. These standards relate to the condition, maintenance and occupancy of all dwellings, except owner-occupied single-family dwellings, and are intended to ensure that all rental housing is safe, sanitary and suitable.

(C) If a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the city, existing on the effective date of the ordinance from which this chapter derives, the provision which establishes the highest standard for the practical promotion and protection of the health and safety of the people shall prevail.

(2013 Code, § 15.5-2) (Ord. 14437, passed 8-23-1993)

§ 152.003 APPLICATION.

This chapter applies to all rental dwelling units within the city, except: hotels, motels or buildings owned by the state or political subdivision thereof; state-licensed health and custodial facilities; and owner-occupied single-family dwellings.

(2013 Code, § 15.5-3) (Ord. 14437, passed 8-23-1993)

§ 152.004 DEFINITIONS; RULES OF CONSTRUCTION.

(A) *Meaning of certain words.* The term "dwelling", "dwelling unit", "rooming unit" or "premises" shall be construed as though they were followed by the phrase "or any part thereof".

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

ACCESSORY STRUCTURE. A detached structure located on the same premises as the principal structure that is not used, nor intended to be used, for living or sleeping by human occupants.

ADJOINING GRADE. The elevation of the ground that extends three feet from the perimeter of the dwelling.

APPROVED. See **ACCEPTABLE**.

APPURTENANCE. That which is directly or indirectly connected or accessory to a building.

ATTIC. The part of a building immediately below the roof and wholly or partly within the roof framing and may or may not be habitable.

BASEMENT. A portion or story of a building, next below the first or main floor, which may or may not be considered habitable space.

BATH. A bathtub or shower stall connected with both hot and cold water lines.

BED AND BREAKFAST. See **BOARDING HOUSE**.

BOARDING HOUSE. Any structure or that part of a structure containing one or more rooming units or one or more dormitory rooms and further provides meals that are prepared and served at a central location.

BUILDING. Any structure built, used, designed or intended for the support, shelter, protection or enclosure of persons, animals, chattels or property of any kind.

CELLAR. A space below the first or main floor, used or intended to be used for storage, a location for heating and building maintenance equipment and shall not be considered habitable space.

CENTRAL HEATING SYSTEM. A single system supplying heat to one or more dwelling units or more than one rooming unit.

CERTIFICATE OF COMPLIANCE. A document certifying that the unit for which it is issued was in compliance with the applicable sections of this chapter at the time of last inspection.

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 that is in compliance or conformance with the requirements of I.C.A. Ch. 499B.

COOPERATIVE. A dwelling unit that is in compliance or conformance with the requirements of I.C.A. Ch. 499A.

COURT. An unoccupied open space, other than a yard, on the same lot with a building and which is bordered on two or more sides by the building.

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.

DORMITORY. A room or group of rooms in a dwelling used or intended to be used for sleeping purposes by three or more persons per room.

DUPLEX. Any habitable structure containing two single-dwelling units. The classification shall be determined by the existence of two separate dwelling units, as defined in this chapter, and shall not be based upon the identity of the occupants.

DWELLING. Any building, structure or mobile home, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants and includes any appurtenances attached thereto.

DWELLING, MULTIPLE. See **MULTIPLE DWELLING**.

DWELLING, SINGLE-FAMILY. See **SINGLE-FAMILY DWELLING**.

DWELLING UNIT. Any room or group of adjoining rooms located within a structure and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating and sanitation.

EGRESS. An exit and also means an alternate route that provides reasonable safety for emergency exiting.

EMERGENCY. A life or health threatening condition or failure within or around a residential premises which requires immediate attention; a condition arising from actual or imminent failure and resulting in a substantial health or safety hazard to occupants or in substantial hazard to a dwelling. Failure that can create an **EMERGENCY** includes, but is not limited to, the following: structural collapse or failure; flood; fire; inflows of ground waters, drainage or surface waters; failure of a supplied utility such as electricity, gas, water, sewage, heat, but not cooling.

EXIT. A continuous and unobstructed means of egress to a public way and includes intervening doors, doorways, corridors, exterior-exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, exit passageways, exit courts, walkways, sidewalks and yards.

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

FAMILY. One or more persons each related to the other by blood, marriage, adoption, legal guardianship or as foster parent-children who are occupying a dwelling unit as one housekeeping organization and also includes not more than five persons not so related, or not more than eight emotionally or developmentally disabled or brain damaged persons along with persons providing for their care and occupying a dwelling unit as one housekeeping organization. The term **FAMILY** may include domestic servants residing with the **FAMILY**.

GARBAGE. Animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food, including, but not limited to, food waste, plastic containers, tin cans, glass bottles and paper products.

GARBAGE CONTAINER. Any container that is in compliance or conformance with the requirements of Ch. 50 of this code of ordinances.

HABITABLE ROOM. A room or enclosed floor space within a dwelling unit or rooming unit, used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, kitchenettes, toilet rooms, pantries, laundries, foyers, communicating corridors, closets, storage spaces, stairways and recreation rooms.

HOUSING INSPECTOR. The official designated by the City Administrator with approval of the City Council to be responsible for the enforcement of this chapter and such other city employees, regardless of department, as have been trained in conducting inspections or parts of inspections.

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

KITCHEN. A room used or intended to be used for the storage and preparation of food and may contain facilities for the eating of meals.

KITCHEN SINK. A basin for washing utensils used for cooking, eating and drinking, located in a kitchen or kitchenette and connected to both hot and cold water lines.

KITCHENETTE. An area used solely for the storage and preparation of food.

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

LIVING ROOM. A habitable room within a dwelling unit that is used or intended to be used primarily for general living purposes.

MOBILE HOME. Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons.

MULTIPLE DWELLING. Any dwelling containing three or more dwelling units or three or more rooming units or three or more of any combination thereof.

OCCUPANT. Any person living in, sleeping in and/or cooking in or having actual possession of a dwelling unit or a rooming unit.

OPERATOR. Any person who is the agent of an owner who rents to another or has custody or control of a building or parts thereof in which dwelling units or rooming units are let or who has custody or control of the premises as a guardian, executor, receiver, administrator or other similar assignee.

OWNER. Any person who has custody and/or control of the dwelling, dwelling unit or rooming unit by virtue of legal or equitable title to such dwelling, dwelling unit or rooming unit.

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

PLACARD. A display document showing that the unit for which it is issued has been determined to be unfit for human habitation.

PLUMBING/MECHANICAL. Any or all of the following supplied or required facilities and equipment: gas pipes; gas-burning equipment; water pipes; garbage disposal units; waste pipes; toilets; sinks; lavatories; bathtubs; shower baths; water heating devices; catch basins; drains; vents and any other similar supplied or required fixtures, together with all connections to water, sewer or gas services.

PREMISES. A lot, plot or parcel of land including any buildings and/or accessory structures thereon.

PRIVACY. The existence of conditions that will permit a person to carry out an activity without interruption or interference by unwanted persons.

PROPERLY CONNECTED. Connected in accordance with the applicable city codes and ordinances; provided, however, that, the application of this definition shall not require the alteration or replacement of any connection in good and safe working condition.

PUBLIC WAY. Any sidewalk, street, alley, highway or other thoroughfare established for travel by vehicles or persons and open or available for use by the general public or private ownership.

RECREATION ROOM. A room used primarily for general recreation purposes. This room shall be in addition to the minimum space and facility requirements for a dwelling unit or rooming unit.

REFUSE. Waste material, except human or animal waste, such as garbage, rubbish, rags, lawn trimmings, cold ashes and dead animals.

REFUSE CONTAINER. A container intended for the temporary storage of refuse, which is constructed of a durable material, with at least one opening which is supplied with a tight-fitting cover, and is reasonably weather-proof and rodent-proof.

RENTAL PROPERTY. Any dwelling, dwelling unit or rooming unit which is being held out or being offered for rent or is

currently being let for rent and/or occupied by any person who is not related to the owner of the premises, except, during the period that such rental property is being held out or offered for rent, all sections of this chapter shall be applicable relating to inspections, but the owner or operator of such property shall not be in violation of the other requirements of this chapter if the requirements are corrected prior to the rental and occupancy of the rental unit unless the violations are affecting the health, safety and welfare of the occupants of other rental units.

ROOMER. An occupant of a rental rooming unit or an occupant of a rental dwelling unit who is not a member of the family occupying the dwelling unit.

ROOMING UNIT. Any room or group of adjoining rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used primarily for living and sleeping. A **ROOMING UNIT** shall have bath and toilet facilities available for use by the occupants or for communal use in accordance with § 152.023 of this chapter and, in addition, may have kitchen and dining facilities provided within the building available for use by the occupants therein.

ROOMING HOUSE. Any structure or that part of any structure containing one or more rental rooming units or one or more dormitory rooms.

RUBBISH. Inorganic waste material consisting of combustible and/or non-combustible materials.

RULES AND REGULATIONS. Those administrative policies and procedures adopted by the Housing Code Administrator for the efficient and effective management of housing inspection functions.

SAFE. The condition of being reasonably free from danger and hazards that may cause accidents or disease.

SINGLE-FAMILY DWELLING. A structure containing one dwelling unit.

STORY. The portion of a building included between the upper surface of any floor and the upper surface of the floor next above; except that, the topmost **STORY** shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade, as defined in this chapter, for more than 50% of the total perimeter or is more than 12 feet above grade as defined in this chapter at any point, such basement or unused under-floor space shall be considered as a **STORY**.

SUBSTANDARD HOUSING. Any rental unit or portion thereof, including any dwelling unit, guestroom or suite of rooms or the premises on which such is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof:

(a) Substandard conditions shall include, but not be limited to, the following:

1. Lack of or improper water closet, lavatory, bathtub or shower;
2. Lack of or improper kitchen sink;
3. Lack of hot and cold running water to plumbing fixtures;
4. Lack of adequate heating facilities;
5. Lack of or improper operation of required ventilating equipment;
6. Lack of minimum amounts of natural light and ventilation required 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; and/or
13. Lack of adequate garbage and rubbish storage and removal facilities as determined by the Health Officer.

(b) Structural hazards shall include, but not be limited to, the following:

1. Deteriorated or inadequate foundations;
2. Defective or deteriorated flooring or floor supports;
3. Flooring or floor supports of insufficient size to carry imposed loads with safety;
4. Members of walls, 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 that sag, split or buckle due to defective material or deterioration;
7. Members of ceilings, 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 defective material or deterioration; and/or
9. Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety.

(c) **HAZARDOUS WIRING** shall mean all wiring, except that which conformed to 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.

(d) **HAZARDOUS PLUMBING** shall mean 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 siphonage between fixtures.

(e) **HAZARDOUS MECHANICAL EQUIPMENT** shall mean all mechanical equipment, including vents, except that which conformed to all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.

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

1. Deteriorated, crumbling or loose plaster;
2. Deteriorated or ineffective water-proofing of exterior walls, roofs, foundations or floors, including broken windows or doors;
3. Defective 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/or
4. Broken, rotted, split or buckled exterior wall coverings.

(g) **FIRE HAZARD** shall mean any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Chief of the Fire Department, 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.

(h) **FAULTY MATERIALS OF CONSTRUCTION** shall mean 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.

(i) **HAZARDOUS OR UNSANITARY PREMISES** shall mean those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, flammable or combustible materials and similar materials or conditions which constitute fire, health or safety hazards.

(j) **INADEQUATE MAINTENANCE** shall mean any building or portion thereof that is determined to be an unsafe building in accordance with the city's Building Code.

(k) **INADEQUATE EXITS** shall mean all buildings or portions thereof not provided with adequate exit facilities as required by this chapter, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition or any change in occupancy. When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.

(l) **INADEQUATE FIRE PROTECTION OR FIREFIGHTING EQUIPMENT** shall mean all buildings or portions

thereof which are not provided with the fire resistive construction or fire extinguishing systems or equipment required by this chapter, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire resistive integrity and fire extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition or any change in occupancy.

(m) **IMPROPER OCCUPANCY** shall mean all buildings or portions thereof occupied for living, sleeping, cooking or dining purposes that were not designed or intended to be used for such occupancies.

SUPPLIED. Paid for, furnished by, provided by or under the control of the owner or operator.

TEMPORARY HOUSING. Any tent, trailer, motor home or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than 30 days.

TOILET. A water closet, with a bowl and a trap made in one piece, which is of such shape and form and which holds a sufficient quantity of water so that no fecal matter will collect on the surface of the bowl and which is equipped with a flushing rim.

VARIANCE. A difference between that which is required or specified and that which is permitted.

(2013 Code, § 15.5-4) (Ord. 14437, passed 8-23-1993)

§ 152.005 LETTER OF COMPLIANCE; APPLICATION; YEARLY REGISTRATION; FEES; INSPECTIONS; GRANT; DENIAL OR REVOCATION.

(A) Application.

(1) Application for a letter of compliance with this chapter shall be submitted in writing, on forms provided, to the Housing Inspector by the owner or operator who shall be required to provide all requested information, including, but not limited to, the following:

- (a) The address of the dwelling;
- (b) The number and type of dwelling units in the dwelling;
- (c) The zoning district in which the dwelling is located; and
- (d) The names, addresses and telephone numbers of the following:
 1. The owner; and

2. The operator, who must be one natural person living close enough to the city so as to conveniently act as agent or operator, or such other person with whom the Housing Inspector will communicate with respect to the dwelling unit and the requirements of this chapter.

(2) The failure of the applicant to provide any of the information required by division (A)(1) above may prevent the application from becoming effective for the purposes of this chapter, notwithstanding the payment of any fees.

(2013 Code, § 15.5-6)

(B) Yearly registration.

(1) The registration form for the letter of compliance with this chapter shall request an updating of at least the same information as required by division (A) above and shall be submitted to the Housing Inspector prior to July 31 of each year or within 14 days of closure when acquiring residential rental property.

(2) The Housing Inspector shall mail a registration form to all registered residential property owners by July 1 of each year. The owner shall return the completed registration form to the Housing Inspector within 30 days of receipt of the form. Failure to complete or return the registration form shall result in a revocation of the letter of compliance or denial of the application for the letter of compliance and/or shall be cited as a municipal infraction.

(2013 Code, § 15.5-7)

(C) **Fees.** There shall be established annually a reasonable schedule of fees for the purpose of partially defraying the cost of inspection, enforcement and administration of the provisions of this chapter. The fee schedule and the times and

methods for payment thereof shall be established by resolution of the City Council. Amounts due and payable under such schedule of fees shall constitute a debt owed to the city and may be enforced and collected as such. Failure or refusal to pay fees required shall also constitute a violation of this section.

(2013 Code, § 15.5-8)

(D) *Issuance of letter of compliance.* A letter of compliance issued for a dwelling unit shall be effective until there is a change in ownership or operation, unless sooner revoked pursuant to division (G) below.

(2013 Code, § 15.5-9)

(E) *Inspections.*

(1) The Housing Inspector shall arrange to inspect the dwelling by contacting the person designated as agent, pursuant to division (A)(1)(d) above, and requesting that person to set a time for the inspection.

(2) The operator shall arrange such inspection within a reasonable time, not to exceed two weeks from the date of the Housing Inspector's request for inspection. Failure of the operator to do so may result in denial or revocation of the letter of compliance.

(3) The operator or agent shall be present at the dwelling at the time set for inspection and shall accompany the Inspector during such inspection. The designee shall have access to the entire dwelling.

(4) The Housing Inspector shall conduct all inspections during reasonable hours of the day and after presentation of proper identification. The owner may arrange and the occupant shall have the opportunity to be present during an inspection; such arrangements to be made by the operator. Written application for a letter of compliance shall constitute consent by the owner to an inspection. Arrangements to enter shall be made with the occupant. In all cases, if the occupant or owner of a dwelling unit refuses entry to conduct an inspection, the Housing Inspector shall not conduct any such inspection without a search warrant.

(5) The Housing Inspector shall, whenever possible, inspect any dwelling at the request of the owner or upon receipt of a complaint from a person with demonstrable interest and evidence that the subject matter of the complaint has been reported to the operator. In addition, the Housing Inspector may, at the Housing Inspector's own discretion, inspect any dwelling as frequently as necessary. For the purposes of this division (E)(5), the following shall apply.

(a) Persons with demonstrable interest are the owner, occupant or other occupant in the same dwelling; or the owner or occupant of other premises within 500 feet of the premises in question.

(b) A complaint shall be whatever is injurious to health, indecent or offensive to the senses or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life and property, as provided in the definition of the term "nuisance" in § 95.006 of this code of ordinances.

(c) The fact that a complaint of non-conformance with this chapter is made by the occupant shall not be used as a ground, cause or basis for termination of the tenancy or reduction of services by the owner.

(d) No person shall maintain an action for eviction of an occupant of property owned by such person when seeking to evict the occupant because the occupant has reported a violation of this chapter or a related section of the code to the Housing Officer or other city employees.

(e) If the Housing Officer requires an owner, operator or lessee to repair a dwelling unit, nothing in this section shall prohibit the latter from increasing the rent charged for the dwelling unit within 90 days from the completion of the required repairs. If the rent is increased within the 90-day period, an amount not less than the increased rent must be charged for the rental of such repaired dwelling unit for 12 consecutive months following the effective date of rent increase.

(f) No owner, operator, occupant or utility company shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit or rooming unit, except for such temporary interruption as may be necessary, while actual repairs or alterations are in progress, or temporarily during emergencies. However, a utility company may remove, discontinue or shut off such service when such may be done in accordance with established policy of the respective company relating to credit regulations.

(6) During the course of an inspection, if the observations of the Housing Inspector suggest that an elevator is not in safe and operating condition, the Housing Inspector shall report such observations to the state's Labor Commissioner so an inspection may be conducted pursuant to I.C.A. Ch. 89A.

(7) Nothing contained in this section shall be interpreted or deemed to be a repeal, amendment, modification or

dispensation of any housing standard or inspection requirement established by state laws.

(2013 Code, § 15.5-10)

(F) *Grant of letter of compliance.*

(1) If, after inspection, the dwelling is found to conform to the requirements of this chapter, the Housing Inspector shall issue a letter of compliance.

(2) At the final inspection of a rental unit after construction or remodeling requiring a building permit, the Building Inspector shall include the provisions of this chapter in the inspection, and if the dwelling unit conforms, the Inspector shall issue a letter of compliance. If dwelling units of a duplex or multiple dwelling are not all completed at the same time, the Housing Inspector may issue a letter of compliance for each dwelling unit conforming to the provisions of this chapter.

(3) A copy of the letter of compliance shall be available for inspection at the Inspection Office.

(4) The letter of compliance shall include at least the information contained in the application, the date of inspection, the name of the Inspector and the date of issue.

(5) For multiple dwellings, the Inspector may issue a letter of compliance for the entire dwelling that includes all the required information and that lists the address and maximum occupancy for each dwelling unit.

(2013 Code, § 15.5-11)

(G) *Denial or revocation of letter of compliance.*

(1) If after inspection a dwelling unit is found in non-conformance with the requirements of this chapter, the Housing Inspector shall promptly notify the operator in writing of the reasons for non-conformance and shall record the notice with the Housing Inspector's copy of the letter of compliance or application for the letter.

(2) Non-conformance shall be abated within 30 days or at the termination of any written agreement between the Housing Inspector and the owner.

(3) The operator may, within 30 days of the notice of non-conformance, enter into a written agreement with the Housing Inspector detailing a program to abate non-conformance requiring 30 or more days, during which time § 152.999 of this chapter shall be stayed.

(4) If the operator does not enter into an agreement under division (G)(3) above and if the dwelling unit is presently occupied, the Housing Inspector shall, within 30 days of the notification of non-conformance, notify the occupants of each affected dwelling unit by mail, addressed to "occupant", of the reasons for non-conformance, that eviction may be imminent and of the right to a hearing. However, failure of such occupants to receive such notice shall not bar proceedings to enforce any denial or revocation of the letter of compliance against the owner/operator.

(5) The owner/operator shall be entitled to one free re-inspection by the Housing Inspector to determine whether the terms of the agreement have been fulfilled.

(6) The tenant may, within two weeks of being notified of the non-conformance by the Housing Inspector, appeal to the Housing Appeal Board for permission to abate by repair and deduct. The appeal shall be granted if:

(a) The non-conformance was not caused by an occupant or other person on the premises with the consent of the occupant.

(b) The reasonable cost of abatement is less than \$500 or one month's rent, whichever is greater. The appeal shall include two written estimates from appropriate firms of the cost to abate, and the Appeal Board shall decide which estimate shall be accepted; or

(c) The operator has been notified in writing of the tenant's intention to appeal for repair and deduct. The tenant shall submit an itemized paid statement, with lien waivers from suppliers of materials and labor for the abatement, to the owner and deduct from the next rental payment, or bill the owner for the actual cost of the repair work or the amount specified in division (G)(6)(b) above, whichever is less.

(7) The letter of compliance shall be denied or revoked if:

(a) The owner/operator does not enter into an agreement with the Housing Inspector to abate the non-conformance, and the non-conformance has not been promptly abated;

(b) The dwelling unit is not in conformance at the end of the period specified by the inspector in the written

agreement. However, the Inspector may extend the time specified in the agreement if, through no fault of the owner and despite good faith efforts to comply, the work has been delayed; or

(c) The Housing Inspector knows that the dwelling unit is in violation of Ch. 156 of this code of ordinances. This division (G)(7) shall not be construed to require the Housing Inspector to be knowledgeable of Ch. 156 of this code of ordinances.

(8) Upon denial or revocation of the letter of compliance, the Housing Inspector shall notify the operator and the occupants in writing.

(2013 Code, § 15.5-12)

(Ord. 14437, passed 8-23-1993)

§ 152.006 ABATEMENT OF OCCUPANT NON-COMPLIANCE.

(A) If after inspection the occupant is found in non-compliance with the requirements of this chapter, the Housing Inspector shall promptly notify the occupant and the operator of the reasons for non-conformance.

(B) If the occupant does not abate the non-compliance within a time set by the Housing Inspector, the Inspector may proceed against the occupant and, if the non-compliance is substantial, shall require abatement by the operator within a reasonable time, not to exceed 30 days, unless the owner enters into a written agreement for additional time for abatement. The operator may assess the reasonable cost thereof to the occupant plus the costs of additional inspection.

(C) The dwelling unit shall be provided one free inspection by the Housing Inspector to determine whether the non-compliance has been abated.

(2013 Code, § 15.5-13) (Ord. 14437, passed 8-23-1993)

§ 152.007 EMERGENCY ABATEMENT.

(A) If an emergency seems to exist under this chapter and the occupant cannot obtain prompt relief from the operator, the occupant or other person may ask the Housing Inspector to find that an emergency does exist that constitutes a substantial hazard to the occupant's health and safety.

(B) If the Housing Inspector finds that such an emergency exists and that the owner or operator will not or cannot within a reasonable time abate the emergency and that the emergency can be readily abated, the Housing Inspector shall cause abatement and shall notify the owner by certified mail of the actions taken, the cost to be assessed, and the owner's right to appeal under § 152.008(C) of this chapter.

(C) If the Housing Inspector finds that an emergency exists that cannot be readily and reasonably abated, the letter of compliance shall be immediately revoked or the application immediately denied.

(D) If no emergency is found to exist, yet there is non-compliance, the Housing Inspector shall proceed under § 152.005(F) of this chapter.

(2013 Code, § 15.5-14) (Ord. 14437, passed 8-23-1993)

§ 152.008 HOUSING ADVISORY BOARD.

(A) *Creation.*

(1) There is established a board, known as the Housing Advisory Board, which shall consist of six members, at least four of whom are qualified by experience and training to pass upon matters pertaining to Housing Code enforcement. Members shall be appointed by the Mayor and confirmed by the City Council and shall serve without compensation.

(2) From and after the effective date of the ordinance codified herein, only persons holding the particular qualifications of division (A)(4) below shall be appointed to the Housing Advisory Board, as membership vacancies appear, until the Housing Advisory Board membership fully conforms to the requirements of such division.

(3) Any three members shall constitute a quorum.

(4) The Housing Advisory Board shall consist of the following separate persons: one state-licensed realtor; one state-registered architect or engineer; one contractor experienced in remodeling; one lending institution representative; and two representatives of the general public, one of whom shall be a landlord. Each Board member shall have had at least five years' experience in his or her respective field.

(5) If the death, removal for just cause or resignation of any member occurs, that member's successor shall be appointed to serve for the unexpired period of the term of the member no longer serving.

(2013 Code, § 15.5-15)

(B) *Duties.* The Housing Advisory Board shall:

- (1) Hold hearings when necessary and issue specific recommendations to the City Council;
- (2) From time to time render to the City Council a written report of its activities and general recommendations;
- (3) Adopt such rules and regulations as may be necessary to expedite and effectuate the provisions of this chapter;
- (4) Annually elect a chair from among them to act as an administrative officer and to sit at meetings and hearings as presiding officer; and
- (5) Have authority to grant variances to this chapter pursuant to division (G) below.

(2013 Code, § 15.5-16)

(C) *Complaints filed.*

(1) Any person claiming to be aggrieved by any notice served upon that person under this chapter may file with the Housing Officer a written complaint, requesting a hearing before the Housing Advisory Board; such complaint shall be accompanied by a receipt from the City Clerk for the non-refundable filing fee in the amount set therefor by resolution of the City Council. A complaint must be filed within ten days after a person receives a notice. All notices served under this chapter shall advise the persons served of their opportunity to be heard, the manner in which complaints under this section are to be filed, the amount of the filing fee set by the City Council, that they have the right to produce witnesses in their own behalf, and that they have the right to be represented by counsel.

(2) In addition to the non-refundable filing fee, any person requesting a hearing shall pay a deposit of \$100 with the City Clerk. If the person requesting the hearing fails to appear at the time and date scheduled for the hearing, the deposit of \$100 shall be forfeited to the city. If the requesting party appears at the hearing, the deposit of \$100 shall be returned to the person who made the original payment. The deposit shall not be forfeited if the person requesting the hearing notifies the City Clerk 24 hours in advance that the hearing is no longer requested. The deposit of \$100 shall not be returned to an individual who has cancelled two or more hearings.

(2013 Code, § 15.5-17)

(D) *Procedures for processing complaints.* After receiving a complaint filed under division (C) above, the Housing Officer shall forthwith notify the Chair of the Housing Advisory Board. The Chair shall set a time, place and date of hearing and notify the complainant and other Board members of the time, place and date of hearing not less than three days before the date. The Chair may change the time, place and date for such good cause shown.

(2013 Code, § 15.5-18)

(E) *Hearing.*

(1) At the hearing on the complaint filed under this subchapter, the complainant shall be afforded a full opportunity to be heard and shall have the right to produce witnesses and to be represented by counsel. After hearing all relevant evidence, the Housing Advisory Board shall summarize the proceedings in writing and transmit a copy with a recommendation to the Housing Officer within three days. The Board may request assistance from the City Attorney's office in formalizing its findings and determinations, which shall be issued in written form.

(2) Hearings shall be open to the public during the presentation of testimony and other evidence and during any argument or discussion the Board may permit.

(2013 Code, § 15.5-19)

(F) *Effect of complaint; use of report.* After a complaint is filed under this chapter, the Housing Officer shall stay all proceedings under this chapter until he or she has received a report from the Housing Advisory Board. All such reports shall be submitted to the City Council as attachments to any related request to proceed with legal action under this

chapter, or as separate reports if no further legal action is contemplated.

(2013 Code, § 15.5-20)

(G) *Power to grant variances.*

(1) Upon application of an owner of an existing dwelling and after a hearing as provided in division (E) above, the Housing Advisory Board shall have the power to grant a variance from the provisions of this chapter, if the owner can show that:

(a) The burden on the owner to meet the requirements of this chapter outweighs any resulting benefit to the public health and safety;

(b) Because of the design or construction of the dwelling it would be impractical to meet the requirements of this chapter or that it would cause undue hardship to meet such requirements;

(c) Strict adherence to this chapter would be arbitrary; and

(d) Such a variance would be in harmony with the intended spirit and general purpose of this chapter to secure the public health, safety and welfare.

(2) Variances that, if granted, would significantly change the inspection criteria as prescribed by this chapter shall be submitted to the City Council along with the Board's recommendation for final approval. A significant change for the purposes of this section shall be:

(a) Modification of the acceptability criteria in § 152.020 of this chapter; and

(b) Modification of the requirements specified in §§ 152.022, 152.023 and 152.024 of this chapter.

(2013 Code, § 15.5-21)

(H) *Jurisdiction of Housing Advisory Board.* The jurisdiction of the Housing Advisory Board is limited to this chapter. Nothing in this section is intended to repeal, amend or modify the jurisdiction of any boards of appeal created by state law with jurisdiction to enforce state housing or building laws.

(2013 Code, § 15.5-22)

(Ord. 14437, passed 8-23-1993; Ord. 14538, passed 3-25-1996)

MINIMUM PROPERTY STANDARDS

§ 152.020 HOUSING QUALITY STANDARDS.

(A) *Sanitary facilities.*

(1) *Performance requirements.* The dwelling unit shall include its own sanitary facilities that are in proper operating condition, can be used in privacy and are adequate for personal cleanliness and the disposal of human waste.

(2) *Acceptability criteria.* A flush toilet in a separate room, a fixed basin with hot and cold running water and a shower or tub and hot and cold running water shall be present in the dwelling unit, all in proper operating condition. These facilities shall utilize an approved public or private disposal system.

(B) *Food preparation and refuse disposal.*

(1) *Performance requirement.* 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 refuse, including facilities for temporary storage where necessary.

(2) *Acceptability criteria.* The unit shall contain the following equipment in proper operating conditions: cooking stove or range and a refrigerator of appropriate size for the unit, supplied by either the owner or the family; and a kitchen sink with hot and cold running water. The sink shall drain into an approved public or private system. Adequate space for the storage, preparation and serving of food shall be provided. There shall be adequate facilities and services outdoors for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

(C) *Space and security.*

(1) *Performance requirements.* The dwelling unit shall afford the family adequate space and security.

(2) *Acceptability criteria.* A living room, kitchen area and bathroom shall be present; and the dwelling unit shall contain at least one sleeping or living/sleeping room. Exterior doors and windows accessible from outside the unit shall be lockable.

(D) *Thermal environment.*

(1) *Performance requirement.* The dwelling unit shall have and be capable of maintaining a thermal environment healthy for the human body.

(2) *Acceptability criteria.* The dwelling unit shall contain safe heating facilities that are in proper operating condition and can provide adequate heat to each room in the dwelling unit appropriate for the climate to assure a health living environment. Unvented room heaters that burn gas, oil, kerosene or operate by electricity are unacceptable.

(E) *Illumination and electricity.*

(1) *Performance requirement.* Each room shall have adequate natural or artificial illumination 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 assuring safety from fire.

(2) *Acceptability criteria.* Living and sleeping rooms shall include at least one window. A ceiling or wall type light fixture shall be present and working in the bathroom and kitchen area. At least two 115v duplex electrical convenience outlets shall be present and adequately located in the living area, kitchen area and each bedroom area. All electrical wiring shall be maintained in a safe condition, shall be used in a safe manner and properly operated for the use for which it is intended.

(F) *Structure and materials.*

(1) *Performance requirement.* 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.

(2) *Acceptability criteria.* Ceiling, walls and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose structural surface materials, severe buckling or 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 such as serious leaning, buckling, sagging, cracks or holes, loose siding or other serious damage. A railing is required where three or more stair risers are present. The condition and equipment of interior and exterior stairways, halls, porches, walkways and the like shall be such as not to present a danger of tripping or falling. Habitable rooms in basements or cellars shall be free of excessive water leakage or moisture. Elevators shall be maintained in safe and operating condition. In the case of a mobile home, a tie down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors so as to resist wind overturning and sliding shall securely anchor the home.

(G) *Interior air quality.*

(1) *Performance requirement.* The dwelling unit shall be free of pollutants in the air at levels that threaten the health of the occupants.

(2) *Acceptability criteria.* The dwelling unit shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, excessive dust and other harmful air pollutants. Air circulation shall be adequate throughout the unit. Bathroom areas shall have at least one operable window or other adequate exhaust ventilation.

(H) *Water supply.*

(1) *Performance requirement.* The water supply shall be free from contamination.

(2) *Acceptability criteria.* The unit shall be served by an approved public or private sanitary water supply.

(I) *Lead based paint.*

(1) *Performance requirement.* The dwelling unit shall be in compliance with HUD lead based paint regulations, 24 C.F.R. part 35, issued pursuant to the Lead Based Paint Poisoning Prevention Act, 24 U.S.C. § 4801; and the owner shall provide a certification that the dwelling is in accordance with such HUD regulations. If the property was constructed prior to 1950, the family upon occupancy shall have been furnished the notice required by HUD lead based paint regulations and procedures regarding the hazards of lead based paint poisoning, the symptoms and treatment of lead poisoning and the

precautions to be taken against lead poisoning.

(2) *Acceptability criteria.* Same as performance requirement.

(J) *Access; performance requirement.*

(1) The dwelling unit shall be usable and capable of being maintained without unauthorized use of other private properties and the building shall provide an alternate means of egress in case of fire, such as fire stairs or egress through windows.

(2) Every sleeping room below the fourth story shall have at least one operable window with a finished sill height not more than 44 inches above the floor or an exterior door approved for emergency egress or rescue. Each window in a sleeping room shall have a minimum net clear opening of 5.7 square feet. The minimum net clear height shall be not less than 24 inches. The minimum net clear width shall not be less than 20 inches.

(K) *Site conditions performance requirement.* The site shall not be subject to serious adverse environmental conditions, natural or human-made, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank backups, sewage hazards or mud slides, abnormal air pollution, smoke or dust, excessive noise, vibration or vehicular traffic, excessive accumulation of trash, vermin or rodent infestations or fire hazards.

(L) *Sanitary condition.*

(1) *Performance requirement.* The unit and its equipment shall be in sanitary condition.

(2) *Acceptability criteria.* The unit and its equipment shall be free of vermin and rodent infestation.

(M) *Early warning fire protection system.*

(1) *Performance requirement.* The owner shall provide smoke detectors for each dwelling unit and rooming unit. If the smoke detector within an individual dwelling unit or rooming unit requires routine replacement of batteries for proper operation, the owner or operator may require the tenant of the dwelling unit or rooming unit to be responsible for such. In this event, the owner or operator shall adequately notify the tenant of this responsibility. Smoke detectors located in common area of multiple dwellings or rooming houses such as stairways, corridors and basements shall be maintained by the owner or operator of the dwelling. No persons shall alter or tamper with a smoke detector or otherwise interfere with its operating characteristics.

(2) *Acceptability criteria.*

(a) All dwelling units and rooming houses shall be provided with smoke detectors as approved by the Housing Inspector on each level of the dwelling unit to include each story and unoccupied basement. The detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or the area giving access to rooms used for sleeping purposes. Smoke detectors hereafter installed in areas where sleeping rooms are on an upper level shall be placed above the stairway. All detectors shall be located according to manufacturer's directions. Care shall be exercised to ensure that the installation will not interfere with the operating characteristics of the detector. When actuated, the detector shall provide an alarm for the dwelling unit or rooming unit.

(b) Additional provisions for multiple dwellings and rooming houses containing more than four persons not related to the owner or operator by blood, marriage or legal adoption.

(3) *Performance requirement.* All multiple dwellings and rooming houses shall comply with the fire safety rules provided for in Iowa Admin. Code § 680-5.803(100).

(N) *Acceptability criteria.*

(1) *Exits.*

(a) Each living unit and rooming unit shall have access to at least two separate exits that are remote from each other and are reached by travel in different directions.

1. *Exception No. 1.* Any dwelling unit or rooming unit, which has an exit directly to the street or an enclosed stairway with fire resistance rating of one hour or more serving that unit only and not communicating with any floor below the level of exit discharge or other area not a part of the unit served, may have a single exit.

2. *Exception No. 2.* A building of any height with not more than four dwellings or rooming units per floor with smoke-proof tower or outside stair as the exit, immediately accessible to all units served thereby, may have a single exit. The term **IMMEDIATELY ACCESSIBLE** means a travel distance of 20 feet maximum from the door of a unit to the door of an open-air vestibule or balcony leading to a smoke-proof tower.

3. *Exception No. 3.* Any building three stories or less in height with no floor below the level of exit discharge or, in case there is such a floor, with the street floor construction of at least one-hour fire resistance may have a single exit, under the following conditions.

- a. The stairway is completely enclosed with a partition having a fire resistance rating of at least one hour with self-closing 20-minute fire protection rated doors protecting all openings between the stairway enclosure and the building.
 - b. The stairway does not serve any floor below the level of exit discharge.
 - c. All corridors serving as access to exits have at least one-hour fire resistance rating.
- (b) There is not more than 20 feet of travel distance to reach an exit from the entrance door of any dwelling unit or room unit.

(2) *Enclosure protection of exits.*

(a) All stairways, elevators shafts and other vertical openings shall be enclosed or protected with material equal to one-hour fire resistive construction. All required exit stairs, which are located so that it is necessary to pass through the lobby or other open space to reach the outside of the building, shall be continuously enclosed down to the lobby level.

(b) Unprotected vertical openings may be permitted in fire-resistive buildings with a Class A finish, or in sprinklered buildings, not to exceed two floors. This division (N)(2)(b) is to permit open stairways from the lobby to the mezzanine level or open stairs from the lobby to basement areas used for hotel purposes.

(c) Wire glass, not to exceed 900 square inches on any single frame, may be used in stairway doors.

(d) All doors to stairway enclosures shall be protected by fire assembly having a one-hour fire protection rating and shall be self-closing.

(3) *Interior finish.* The exit ways, lobbies, public assembly meeting rooms and corridors shall have Class A interior finish. Class A finish shall mean the use of materials having a flame spread of less than 25 as rated by the National Board of Underwriters Laboratories.

(4) *Exit lighting and signs.* All apartment buildings two or more stories high and having more than ten apartment units, shall have corridor and exit signs. The illumination of corridor and exit signs shall be such that people of normal vision can move freely and the exit signs shall be legible at all times from any common corridor area.

(O) *Hazardous occupancies.* Hazardous occupancies in apartment buildings such as boiler rooms, utility rooms and general storage areas shall be protected by walls and fire doors constructed of materials providing at least a minimum of one-hour fire rating.

(P) *Fire protection equipment and devices.* Approved type fire extinguisher shall be provided on each floor, so located that they will be accessible to the occupants, and spaced so that no person will have to travel more than 75 feet from any point to reach the nearest extinguisher. Additional extinguishers may be installed in areas that constitute a special hazard. The Housing Inspector shall determine type and number of portable fire extinguishers. As a guideline, each multiple-dwelling unit may be equipped with fire extinguishers having a 2A-ABC rating in common areas or a 1A-ABC rating within individual dwelling units. A qualified technician shall service each fire extinguisher annually or other person approved by the city's Fire Department.

(2013 Code, § 15.5-26) (Ord. 14437, passed 8-23-1993) Penalty, see § 152.999

§ 152.021 FIRE SAFETY; MINIMUM REQUIREMENTS.

The minimum fire safety standards applicable to all dwelling units shall be those set forth in any code as may be duly adopted by the city or as may be promulgated by the state.

(2013 Code, § 15.5-39) (Ord. 14437, passed 8-23-1993)

§ 152.022 MAXIMUM OCCUPANCY.

In all cases, each dwelling unit shall provide habitable floor space totaling at least 150 square feet for the first occupant and 100 square feet for each additional occupant.

(2013 Code, § 15.5-4) (Ord. 14437, passed 8-23-1993)

§ 152.023 PLUMBING FACILITIES.

Each apartment shall have:

- (A) Two permanent and functioning sinks with plumbing for hot and cold water, one sink located to afford privacy and another sink located in the kitchen area;
- (B) A room which affords privacy and which is equipped with a flush water closet;
- (C) A bathtub or shower with plumbing for hot and cold water and located to afford privacy;
- (D) Functioning water heating facilities capable of heating two gallons of water per hour through 100°F (37.8°C) for each occupant, and supplying water at not less than 120°F (48.9°C) at every kitchen sink, lavatory, bathtub and shower; and
- (E) Safe heating facilities capable of heating all habitable rooms, bathrooms and water closet to compartments to at least 68°F (20°C) at a distance three feet above the floor and five feet away from any exterior wall at all times.

(2013 Code, § 15.5-41) (Ord. 14437, passed 8-23-1993)

§ 152.024 ROOMING HOUSE, BOARDING HOUSE, DORMITORY ROOMS AND OTHER ROOMING UNITS.

(A) No person shall operate a rooming house or boarding house or let to another for occupancy any dormitory room or rooming unit or both in any rooming house or boarding house, which is not in compliance with the provisions of every section of this chapter, except § 152.022 of this chapter. No owner shall let to another person any rooming unit, boarding room or dormitory room unless it is safe, sanitary and suitable and complies with all applicable requirements of the city.

(B) No person shall operate a rooming house or boarding house unless he or she holds a valid certificate of compliance issued by the appropriate authority as provided for in this chapter. The owner shall apply to the city upon compliance by the operator with the applicable provisions of this code and of any rules and regulations adopted pursuant thereto.

(C) At least one flush water closet, lavatory basin and bathtub or shower, properly connected to an approved water system under pressure and sewer system in good working condition, shall be supplied for each four persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of such facilities; provided that:

(1) In a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets;

(2) All such facilities shall be so located within the dwelling as to be reasonably accessible to all persons sharing such facilities and from a common hall or passageway; and

(3) Every lavatory basin and bathtub or shower shall be adequately supplied with heated and unheated water under pressure at all times.

(D) The following provisions shall apply to all rooming houses and boarding houses.

(1) Cooking in dormitory rooms, boarding rooms and rooming units is prohibited.

(2) Access doors to each unit shall have operating locks to ensure privacy.

(3) Unless exempted by the city in writing, the owner of every rooming house or boarding house or dormitory shall change supplied bed linen and towels therein at least once a week and prior to the letting of any room to any occupant. The owner shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(4) Every room occupied for sleeping purposes shall contain at least 70 square feet for each occupant.

(5) Every rooming or boarding unit shall have immediate access to an approved means of egress, appropriately marked, leading to safe and open space at ground level, as required by the appropriate statutes, ordinances and regulations of the city and the state.

(6) Structurally sound handrails shall be provided on any steps containing three risers or more. If steps are not enclosed, handrails and intermediate rails of an ornamental pattern shall be utilized such that no object four inches in diameter can pass through. Handrails shall be not less than 30 inches above the nosing of the treads. Porches or balconies located more than 30 inches higher than the adjacent areas shall have structurally sound guardrails 36 to 42 inches high and if unenclosed, balusters, intermediate rails or an ornamental pattern used as previously discussed in this division (D). Alternate systems providing at least the same degree of safety, if approved by the appropriate authority, will be accepted.

(7) Access to or egress from each unit shall be provided without passing through any other unit.

(2013 Code, § 15.5-42) (Ord. 14437, passed 8-23-1993) Penalty, see § 152.999

§ 152.025 RESPONSIBILITY; OWNER AND OCCUPANTS.

(A) Owners or operators shall be responsible for:

(1) Displaying the letter of compliance to each new tenant, unless there is an application for the letter of compliance still on file, and maintaining the letter of compliance where accessible for inspection by the occupants or the Housing Inspector and providing a copy to the tenant on request;

(2) Informing the occupants in writing of whom to notify in case of an emergency. This information should be available in each dwelling unit;

(3) Informing tenants of requirements relative to parking spaces;

(4) Maintaining public areas of the premises in a decent, safe and sanitary condition; keeping floors, floor coverings, walls and ceilings reasonably clean and free of rubbish and garbage; and ensuring that stagnant water is not allowed to accumulate or stand anywhere on the premises;

(5) Exterminating rodents, insects and other pests when more than one unit or a common area is affected;

(6) Providing required fire extinguishers and smoke detectors in good working condition at the beginning of each tenancy;

(7) Supplying properly sized fuses or equivalent, at the beginning of each tenant's occupancy;

(8) Supplying each outside door and window intended for ventilation of a habitable room with a screen adequate to prevent entry of insects and installing such screens each spring and removing them each fall;

(9) Installing supplied storm doors and storm windows, except to thermal pane windows, at the beginning of the cold weather season and removing them in the spring;

(10) Supplying heat to dwelling units from September 15 to June 15 of each year, when the owner is responsible for paying for heating in the rental agreement;

(11) Removing snow and ice from walks and drives;

(12) Mowing lawns, trimming shrubs and trees, and controlling weeds to maintain the premises in a neat condition, comparable to other premises in the neighborhood; and

(13) Providing for garbage and rubbish removal and supplying such facilities or containers as are necessary for the sanitary disposal of all garbage and rubbish. Containers shall be water-tight metal or plastic receptacles approved by the city sanitation officer, provided with handles or bales and a tight-fitting cover, and with a capacity not exceeding 30 gallons, except commercial dumpsters and the like furnished by the collectors to commercial customers. The receptacle for the receiving and holding of garbage shall be kept covered and in a sanitary condition at all times. Garbage shall be wrapped when placed in the receptacle. Responsibility for providing receptacles for rental property shall be the landlord's.

(B) Additionally, it shall be the duty of any person, firm or corporation using or maintaining a garbage receptacle to cause the receptacle to be emptied of its contents before it is so full that the cover will no longer fit tightly.

(C) The owner/operator may enter into a written agreement with some other person who will maintain public areas, remove and install supplied screens and storm windows, remove snow and ice, mow lawns, trim shrubs, control weeds or remove garbage and rubbish. Such written agreement does not diminish the responsibility of the owner/operator to see that these requirements are fulfilled.

(D) Unless the owner has specifically agreed in writing to render such service or to otherwise accept such responsibility, the occupant of a rental unit shall be responsible for:

(1) Notifying the operator, in writing, of maintenance needed on the dwelling or supplied equipment and of unsafe or unsanitary conditions;

(2) Keeping all equipment and fixtures in the occupant's dwelling unit clean and in a sanitary condition and exercising reasonable care in the use and operation thereof;

(3) Not storing or housing hazardous, flammable or combustible materials within any rental dwelling, including gasoline in mowers, vehicles or other containers;

(4) Exterminating rodents, insects and other pests when only the occupant's dwelling unit is affected;

(5) Safe disposal of hazardous materials, such as hot coals from furnace or grill, paints and other combustibles and pesticides and other hazardous chemicals;

(6) Maintaining supplied fire extinguishers and smoke detectors;

(7) Using light bulbs that do not exceed the size recommended by the fixture manufacturer;

(8) Supplying properly sized fuses, or their equivalent, as needed during occupancy for those circuits serving only the occupant's dwelling unit;

(9) Disposing of rubbish, garbage and other organic waste in a clean and sanitary manner, by placing it in disposal facilities or storage containers and by closing or replacing container lids;

(10) Maintaining that part of the dwelling and premises that the occupant occupies in a decent, safe and sanitary condition; and

(11) Supplying every window of each dwelling unit with shades, draw drapes or other devices or materials which, when properly used, afford privacy to the occupant of each dwelling unit.

(2013 Code, § 15.5-43) (Ord. 14437, passed 8-23-1993)

§ 152.026 POLICY OF CITY.

It is the declared public policy of the city that the preservation of habitable housing stock, and of deteriorated housing stock which, upon economically feasible rehabilitation, can again become habitable, is a matter of the most serious public interest, and that the expenditure of public funds toward the acquisition of abandoned and deteriorated housing stock, toward its preservation and ultimate residential use by residents of the city, shall be an expenditure for a valid public purpose.

(2013 Code, § 15.5-44) (Ord. 14437, passed 8-23-1993)

§ 152.027 ABANDONED HOUSES; ACQUISITION FOR REHABILITATION.

(A) *Deemed public nuisance.*

(1) A residential dwelling structure which has been determined to be by court decree in violation of the city's Housing Maintenance and Occupancy Code and such violations have not been cured for a period of over six consecutive months, shall be deemed a public nuisance, unless:

(a) The owner, or a person acting on behalf of or at the direction of the owner of the structure is actively engaged in the correction of such code violations and has made substantial progress and can be completed within 30 days after the expiration of the six-month period; or

(b) The structure is the subject of legal proceedings other than code enforcement proceedings that make the structure legally unavailable for either rehabilitation or habitation during all or any part of such period.

(2) The fact that a city building permit of any type has been issued, either before or during the 30-day notice period identified in division (A) above for repair or reconstruction of, or installation of equipment or materials in, such a structure shall not of itself be evidence of active engagement in the correction of code violations.

(B) *Notice of acquisition or demolition.* Upon application or upon its own motion, the City Council may cause notice to be given to the holder or holders of record title to any such structure by certified mail, return receipt requested, advising such owner or owners, that:

(1) If it is economically feasible to repair such structure, then under the conditions set forth in division (A) above, the city may acquire such structure for resale by open public bidding to a purchaser who shall agree, as a condition of its purchase, to rehabilitate such structure and correct such code violations as exist at the time of purchase, within a determined reasonable period of time, for rehabilitation as a residential dwelling structure; or

(2) If it is not economically feasible to repair such structure, then the city shall take action to ensure the demolition of the structure and the leveling of the lot or parcel upon which it is situated.

(C) *Repair and rehabilitation not to exceed fair market value.* For purposes of this subchapter, a property shall be deemed not to be economically feasible to repair and rehabilitate if, in the opinion of the City Council, as advised by persons expert in the construction, repair and appraisal of residential structures, the cost of reasonable repair and rehabilitation of the structure, when added to the value of the property at the time of the Council's determination, together exceed the fair market value to which the property would attain upon completion of such reasonable repair and rehabilitation.

(D) *Manner of acquisition.* If, upon having given notice to the holder or holders of record title to such structure as set forth in division (B) above, such holder or holders do not commence active repair and rehabilitation of such structure within 30 days of such mailing, and continue without delay in such active repair and rehabilitation until code violations have been corrected, then the City Council may direct the City Manager to obtain an appraisal of the fair market value of such property and to commence negotiations for its acquisition from such holder or holders and, if the city fails in such direct negotiations to acquire record title to such property, the City Council may direct the commencement of eminent domain proceedings toward the acquisition of such record title, for resale of such property within a reasonable period of time, and upon conditions which require prompt rehabilitation and correction of code violations and its use as a residential dwelling structure, in any case where early resale, repair, rehabilitation and rehabilitation appear likely of accomplishment.

(2013 Code, § 15.5-45) (Ord. 14437, passed 8-23-1993)

§ 152.028 ABANDONED OR UNSAFE BUILDINGS; ABATEMENT.

The city adopts by reference I.C.A. Ch. 657A, Abandoned or Unsafe Buildings - Abatement by Rehabilitation, and such provisions shall have the full force and effect as though printed herein.

(2013 Code, § 15.5-46) (Ord. 14437, passed 8-23-1993)

§ 152.999 PENALTY.

(A) No owner or operator shall rent or offer for rent any dwelling unit for use in whole or in part for human habitation, unless a valid letter of compliance has been issued for any such dwelling unit to the current owner, subject to the following exceptions:

(1) Any dwelling unit in which a valid letter of compliance issued to a previous owner is in effect at the time of acquisition by the current owner, and the current owner has filed an application for a letter of compliance; or

(2) Any dwelling unit in which a valid letter of compliance is not in effect at the time of acquisition by the current owner and the current owner has filed an application for a letter of compliance, and any of the following has occurred:

(a) The Housing Inspector conducted an inspection of the dwelling unit, and it was found to conform to the requirements of this chapter;

(b) After an inspection conducted by the Housing Inspector resulting in a finding that the dwelling unit failed to conform to the requirements of this chapter, the current owner entered into a written agreement with the Housing Inspector, detailing a program to abate non-conformance with the requirements of this chapter, and such agreement was successfully completed or is still in effect; or

(c) The Housing Inspector failed to conduct an inspection of the dwelling unit within ten working days from the filing of an application for a letter of compliance for the dwelling unit by the current owner. However, if the Housing Inspector thereafter conducts an inspection, the exception provided by this division (A)(2) shall no longer be in effect, and the

requirements of divisions (A)(2)(a) and (A)(2)(b) above shall apply.

(d) Annual registration of residential rental property shall constitute an application for the letter of compliance.

(B) No person shall occupy nor shall the owner or operator allow any person to occupy any dwelling unit more than 30 days after the effective date of the denial or revocation of a letter of compliance for that dwelling unit or after the Housing Inspector finds that the vacation of the dwelling unit is necessary before abatement of a non-conformance can reasonably proceed.

(C) No person shall occupy nor shall the owner or operator allow any person to occupy any dwelling unit in excess of the maximum occupancy permitted in § 152.022 of this chapter.

(D) No person shall permit a state of non-conformance to exist after the time set by the Housing Inspector for abating the non-conformance.

(E) No person shall fail to fulfill the specific obligations placed upon the person by the sections of this chapter relating to minimum property standards, whether the person is owner, operator or occupant.

(F) No owner of property regulated by this chapter shall fail or refuse to pay a fee in the method and within the time required, prescribed by § 152.005(C) of this chapter and applicable resolutions of the City Council, nor shall any owner fail to submit a completed registration form to the Housing Inspector, in accordance with the requirements of § 152.005(B) of this chapter.

(G) Willful or repeated non-compliance with the requirements of this chapter by the owner, operator or occupant shall constitute a misdemeanor and be punished by a penalty as provided in § 10.999(A) of this code of ordinances. Each day of non-compliance will constitute a separate violation.

(H) Persons in violation of divisions (A) through (F) above may, for each such violation, be cited for a municipal infraction and be subject to such civil penalties as defined in I.C.A. § 364.22. Such persons shall also be liable in such case for all costs, expenses and disbursement of any such violation. Such persons shall also be liable to eviction or to revocation of the letter of compliance.

(I) The Housing Inspector, upon finding an apparent violation of this section, may institute appropriate legal proceedings.

(J) Application for a hearing under § 152.008(C) of this chapter shall stay the effective date of the enforcement of this section unless an emergency exists.

(K) Violation of § 131.006 of this code of ordinances by an owner of property subject to the city's Housing Code shall also constitute a violation of the city's Housing Code enforceable by collection of a reasonable fee for inspection and enforcement procedures assessed as taxes to that property following the notice provisions described herein.

(L) Violation of § 50.009 of this code of ordinances by an owner of property subject to the city's Housing Code shall also constitute a violation of the city's Housing Code enforceable by collection of a reasonable fee for inspection and enforcement procedures assessed as taxes to that property following the notice provisions.

(2013 Code, § 15.5-5) (Ord. 14437, passed 8-23-1993; Ord. 14558, passed 2-10-1997; Ord. 14896, passed 1-23-2012; Ord. 14970, passed 11-27-2017)