

ORDINANCE 15054

AN ORDINANCE TO REPEAL CHAPTER 152: HOUSING CODE OF THE MUNICIPAL CODE OF THE CITY OF MARSHALLTOWN, IOWA AND TO ADOPT BY REFERENCE THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE WITH AMENDMENTS

WHEREAS, the Code of Ordinance of the City of Marshalltown, Iowa Chapter 152: Housing Code, contains regulations administering a rental housing program as required by Iowa Code 364.17; and

WHEREAS, recommendations have been presented to the City Council to repeal the current chapter 152 and adopt by reference the 2021 International Property Maintenance Code with Amendments as the City of Marshalltown Housing Code; and

WHEREAS, the City Council of the City of Marshalltown finds it is in the best interest of the City to repeal Chapter 152 and enact and adopt by reference the 2021 International Property Maintenance Code with Amendments in its place.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN IOWA:

Section 1. The Code of Ordinance, City of Marshalltown, Iowa is amended by repealing Chapter 152: Housing Code and adopting the 2021 International Property maintenance Code with Amendments.

§152.001 CITATION OF CHAPTER.

This chapter may be referred to as the “Marshalltown Housing Code”

§152.002 ADOPTION OF HOUSING STANDARDS.

The International Property Maintenance Code, 2021 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended.

§152.003 AMENDMENTS, MODIFICATION, ADDITIONS AND DELETIONS.

The following amendments, modifications, additions and deletions to the International Property Maintenance Code, 2021 Edition, are hereby made:

(A) Amend Section 101.1 Title. (insert): [Marshalltown]

(B) Amend Section 101.2 Scope. Delete language and insert in lieu of the following: The provisions of this code shall apply to all renter-occupied residential structures and all existing renter-occupied residential premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner’s authorized agent, operators and occupants; the occupancy of existing structures and premises, and for

administration, enforcement and penalties.

(C) Amend Section 103.1 Creation of agency. (insert) [Housing and Community Development]

(D) Amend Section 107.1 General. Insert the following sentence at the end of the section. The City of Marshalltown Building Board of Appeals shall serve as the official board of appeals.

(E) Amend Section 202 General Definitions.

RENTER-OCCUPIED. A dwelling-unit that is occupied by a person or group of persons who are not the owner or immediate family member of the owner; family member includes a parent, child, grand-parent, grand-child or sibling.

(F) Amend Section 302.4 Weeds. (insert) [ten (10) inches] and amend the final sentence as follows. Weeds shall be defined as all gasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers, gardens or storm water retention and/or detention areas approved by the City.

(G) Amend Section 303.2 Enclosures. Delete language and insert in lieu of the following: A swimming pool shall comply with the Marshalltown Code of Ordinances Chapter 155: Swimming Pools.

(H) Amend Section 304.14 Insect Screens. (insert) [April 15th] to [October 15th]

(I) Amend Section 308.2.1 Rubbish storage facilities. Delete language and insert in lieu of the following: The *owner* of every occupied *premises* consisting of three or more dwelling units shall supply *approved* covered containers for *rubbish*, and the *owner* of the premises shall be responsible for the removal of *rubbish*. The *owner* or *occupant* of a single-family attached, single-family detached and two-family dwelling unit shall supply *approved* covered containers for *rubbish* and be responsible for the removal of *rubbish*.

(J) Add new Section 602.2.1 Supplemental Heat Supply. Portable unvented fuel-burning space heaters and electric space heaters which are not listed and labeled (UL 1278) are prohibited form use in a residential occupancy. Electric space heaters which are listed and labeled (UL 1278) must have an auto shutoff, shall not be plugged into an extension cord, and shall not be operated within three (3) feet of any combustible material.

(K) Amend Section 602.3 Heat Supply. (insert) [September 15th] to [May 15th]

(L) Amend Section 602.4 Occupiable work spaces. (insert) [September 15th] to [May 15th]

(M) Amend Section 605.2 Receptacles. Insert new sentence prior to last sentence of paragraph in Section 605.2 with the following language: Any accessible receptacle within 6 feet of a water source shall be provided with ground fault circuit interrupter protection.

(N) Amend Section 705.1 General. Insert the following language to the end of the paragraph:

In addition, carbon monoxide alarms and detectors shall be installed in accordance with Iowa Code Section 661—Chapter 211.

(O) Add new Section 705.3 Installation Locations. Installation locations shall be in conformance with the International Fire Code, the International Residential Code, Iowa Code, and at the location closest to the hazard of an attached garage or fuel-fired appliance.

§152.004 APPLICATION; CERTIFICATE OF COMPLIANCE; YEARLY REGISTRATION; FEES; INSPECTIONS; DENIAL OR REVOCATION

(A) Application. A completed application and applicable fee shall be submitted prior to occupancy of any dwelling unit.

(B) Issuance of Certificate of Compliance. A certificate of compliance shall be issued by the City for a dwelling unit following a passing inspection. The certificate of compliance shall remain in effect until the next scheduled inspection unless sooner revoked by the City due to violations of the Housing Code. A single certificate of compliance may be issued for a multiple dwelling units at the same location if all dwelling units have passed inspection.

(C) Yearly Registration. The City shall require a yearly registration of all dwelling units. The owner shall register all dwelling units and pay any applicable fees. Failure to register a dwelling unit may result in the revocation of the certificate of compliance.

(D) Fees. The City Council shall establish, by resolution, a schedule of fees associated with the administration and enforcement of the Housing Code.

(E) Inspections. The City shall establish an inspection schedule for registered dwelling units. Failure to comply with the established inspection schedule may result in the revocation of the certificate of compliance.

(F) Denial or Revocation. The owner shall be notified by the City if a dwelling unit is not in compliance and shall be given thirty (30) days to bring the dwelling unit into compliance or vacate the dwelling unit before the certificate of compliance is denied or revoked.

§152.005 APPEALS

Appeals must be filed in writing to the Housing and Community Development Department within thirty (30) days of the code official's decision. Appeals are heard by the Building Board of Appeals.

§152.006 VIOLATIONS

Violations of the provisions of this chapter shall constitute municipal infractions punishable as provided in § 10.999 of this code of ordinances including but not limited to the imposition of civil penalties and/or requests for injunctive relief. After written notice of such violation, each day a violation is permitted to exist beyond the expiration of the time designated on said notice shall constitute a separate offense.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 4. That this ordinance shall be in full force and in effect January 1, 2023, after its

passage and publication as by law.

Passed this ____ day of _____ 2022, and signed this ____ day of _____, 2022.

CITY OF MARSHALLTOWN, IOWA

Joel Greer, Mayor

ATTEST:

Alicia Hunter, City Clerk

I, Alicia Hunter, City Clerk of the City of Marshalltown, Iowa, do hereby certify that the foregoing ORDINANCE was passed and approved by the City Council of the City of Marshalltown, Iowa, on the ____ day of _____ 2022, and was published in the Marshalltown Times-Republican, a newspaper of general circulation in the City of Marshalltown, Iowa, on the ____ day of _____ 2022.

Alicia Hunter, City Clerk