

ORDINANCE NO. 5-18-2009 #1 (303)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALTOONA, IOWA, 2004 BY ADDING A NEW CHAPTER PERTAINING TO INSPECTIONS OF RESIDENTIAL RENTAL PROPERTIES.

Be It Enacted by the City Council of the City of Altoona, Iowa:

SECTION 1. CHAPTER ADOPTED. Chapter 162 of the Code of Ordinances of the City of Altoona, Iowa, 2004 is hereby adopted:

CHAPTER 162

HOUSING CODE

162.01 ADOPTION OF HOUSING CODE. This chapter shall consist of the "International Property Maintenance Code, 2006 Edition as published by the International Code Council which volume is incorporated herein by this reference as fully as though set forth herein in its entirety, excepting only such portions as are hereinafter stated to be deleted therefrom; and such additional provisions as are hereinafter set forth. This chapter and all provisions incorporated herein by reference or otherwise, shall be known as the "*Housing Code*," may be cited as such, and will be referred to herein as such and as "*this code*."

162.02 DELETIONS. The following are hereby deleted from this code and are of no force or effect herein:

1. Subsection 101.2
2. Subsection 102.3
3. Section 103
4. Section 111
5. Subsection 302.4
6. Subsection 302.8
7. Section 306
8. Subsection 307

162.03 AMENDMENTS AND ADDITIONS. The remaining sections in this chapter are and represent amendments and additions to the requirements contained in the International Property Maintenance Code, and where their requirements conflict with those of the International Property Maintenance Code, the requirements of this chapter shall prevail. The sections listed below shall be construed in the context of the enumerated chapter or chapters of the International Property Maintenance Code.

1. Section 162.24 (304.3 Premise Identification)
2. Section 162.26 (702.4 Emergency Escape Openings)
3. Section 162.27 (304.14 Insect screens)
4. Section 162.28 (602.3 Heat supply)
5. Section 162.29 (602.4 Occupiable work spaces)
6. Section 162.30 (605.2 Receptacles)

162.04 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the following meanings:

1. “Accessory Structure” means a structure detached from the principal building and/or buildings on the same lot and customarily incidental and subordinate to the principle building or use that is permitted in each particular zoning district. The structure is either occupied or devoted to a use incidental to the principle use.
2. “Construction Codes” means the *International Building Code*, *International Residential Code*, *International Existing Building Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Plumbing Code*, and *National Electrical Code* as adopted by the City of Altoona Municipal Code.
3. “Residential Rental Properties” means dwelling unit(s), which are occupied by one or more persons, none of whom are record titleholder.
4. “Structure” means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land and water. That which is built or constructed. By this definition, all buildings are structures, however, not all structures are buildings.

162.05 SCOPE. The provisions of this Ordinance shall apply to all residential rental properties and their related accessory structures, now in existence or hereafter constructed, rehabilitated, renovated, or converted to residential use within the corporate limits. These provisions shall constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

162.06 DEPARTMENT ESTABLISHED; DIRECTOR APPOINTED. There is hereby established in the City the Department of Housing, which shall be under the direction and supervision of the Building and Zoning Official. The Building Official shall be responsible to the Community Services Director for the enforcement of the Housing Code, and such other ordinances as shall assign the Building Official that function, and

shall perform such other duties as may be required by the Community Services Director or by any classification plan adopted by the City.

The Building Official shall have the authority to appoint staff members and delegate duties to those staff members. The Building Official shall submit a report to the Community Services Director not less than once a year, covering the work of the department during the preceding period and shall incorporate in that report a summary of recommendations as to desirable amendments to this code.

The Building Official shall keep a permanent, accurate account of all fees and other moneys collected and received under this code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

The titles Housing Official, Code Official, Director of Building, Building and Zoning Official and Building Official, as used herein, are synonymous and may be used interchangeably.

The Code Official, Officer, or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official, or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the Department of Housing, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

162.07 ELECTRICAL. Any reference in the International Property Maintenance Code to the “*ICC Electrical Code*” shall be replaced with “*the National Electrical Code as adopted per chapter 158 of the City of Altoona Code of Ordinances*”.

162.08 APPLICATION OF OTHER CODES. Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code, International Residential Code, International Existing Building Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code, and the National Electrical Code*. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the *City of Altoona Zoning Code* and any other applicable Ordinances as adopted by the City of Altoona.

No other building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless

a separate permit for each building or structure has first been obtained from the building official in the manner and according to the applicable conditions prescribed in the adopted construction codes.

Where work for which a permit is required by the adopted construction codes is started or proceeded with prior to obtaining said permit, there shall be assessed any additional fees as set forth in the prevalent adopted ordinances. The payment of such additional fees, if any, shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other additional fees prescribed herein.

162.09 REQUIRED OWNER/AGENT INFORMATION. Owners of residential rental properties in the city shall provide the Department of Housing with their physical addresses and telephone numbers. Owners of residential rental properties in the city who reside in a county other than Polk county or any county contiguous thereto shall provide the Department of Housing with the name, physical address and telephone number of an individual over the age of 18 who shall reside in Polk county or any county contiguous thereto and who shall be designated as agent for receiving notice and service of process. A new owner shall provide the information required in this subsection within five days from the date of any change of ownership.

162.10 RENTAL CERTIFICATE REQUIRED. An owner who has submitted a rental housing application and fee to the Department of Housing no later than December 31, 2009, shall be allowed to continue to rent, lease, let or otherwise allow occupancy of any dwelling, dwelling unit, or rooming unit until such time said property has received a valid rental certificate after which no owner shall rent, lease, let or otherwise allow the occupancy of any dwelling, dwelling unit, or rooming unit without having a current valid rental certificate.

162.11 APPLICATIONS FOR CERTIFICATE. Every owner or owners agent that offers for rent a dwelling or portion(s) thereof within the city shall submit to the Department of Housing, on forms provided, an application requesting an inspection and rental certificate. An inspection and application fee in the amount set forth in Section 162.12 shall accompany such application. Any owner who fails to register within the allotted 6-month time frame as indicated in Section 3 of this ordinance is subject to a double registration fee.

The application shall contain the following:

- A. Owner or Owners "agent" information as set forth in Section 162.09.
- B. Legal description and address of the subject property.
- C. The applicants interest held in the property; the record title holder if different from the applicant; the holder of any mortgage or deed of trust or other lien or encumbrance of record; and any contract buyer.
- D. Any additional information as required by the Building Official.

At least 30 days prior to initial occupancy as a rental property the owner or agent of a new rental property shall apply to the Department of Housing for inspection of the structure and all units therein.

162.12 FEES AND RENTAL CERTIFICATES.

A. Fees:

1. A fee for each application and inspection for a rental certificate shall be paid to the building official in the amount set forth in the Schedule of Fees as adopted by the city council.
2. Re-inspections. A Re-inspection fee shall be assessed for each inspection conducted after the initial first re-inspection when such portion of work for which is identified is not complete or when corrections called for are not made. Re-inspection fees may be assessed for failure to provide access on the date and time for which inspection is requested. To obtain a re-inspection, the applicant shall submit an application therefore in writing on a form furnished for that purpose and pay the re-inspection fee as set forth in the Schedule of Fees as adopted by the city council. In instances where re-inspection fees have been assessed, no additional inspections will be performed until the required fees have been paid.
3. Rental certificates that are not renewed within 30 days of expiration shall be applicable to a re-registration fee. The re-registration fee shall be in the sum equal to twice the amount of the registration fee.
4. No rental certificates shall be issued nor shall any rental inspections be conducted to any person who owes the City any fees.
5. Other Inspections and Fees: See the schedule of fees as adopted by city council.

B. Certificates will be issued for the following Periods:

1. Thirty –six (36) months for single family and duplex structures. A certificate will not be issued for a duplex unless each duplex dwelling unit complies with this code;
2. Twenty-four (24) months for multiple family dwellings. A certificate will not be issued unless all dwelling units within the same structure comply with this code;
3. When the requirements of Section 162.13 have been met.

C. Certificates shall be revoked if not renewed within 30 days from the date of expiration.

162.13 INSPECTION PROCEDURES. Upon receipt of application and fees, the building official shall cause an inspection of the premises, and if the same comply with the provisions of this chapter, issue a rental certificate. If the premise for which an inspection is required does not meet the provisions of this code then formal notification to the applicant shall be provided in accordance with the procedures set forth in Section 107 of the International Property Maintenance Code.

162.14 APPOINTMENTS FOR INSPECTIONS AND NUMBER OF CERTIFICATES ISSUED.

1. Appointments for inspections with the owner/agent of the building shall be scheduled by the city. The owner/agent may request the appointment to be rescheduled. However, the inspection shall be performed within thirty (30) days of the original date. An owner/agent shall be required to arrange for access to all portions of the building. Failure to provide access to all portions of the building shall prevent the issuance of a rental certificate and thus compliance with the law. The owner/agent shall notify all tenants of the inspection in accordance with Chapter 562A (Uniform Residential Landlord and Tenant Law) of the Code of Iowa.
2. Inspections shall not be:
 - a. Conducted with a minor as the sole representative of the owner.
 - b. Conducted against the will of the tenant without the building owner/agent present.
 - c. Conducted without prior notice to the tenant as required by state law.
 - d. Conducted of an occupied dwelling without the owner/agent or tenant of the dwelling or designated agent being present.
3. Should the person in control of the unit refuse admittance to the building official or designee and refuse to reschedule the certification inspection or reinspection, the building official may request that a court of competent jurisdiction issue an administration search warrant.
4. All areas of each dwelling covered by this code shall be inspected. Should access not be obtained to all areas, a reinspection must be scheduled and an additional fee may be charged for each subsequent reinspection in accordance with the established fee schedule.

162.15 OWNERS RESPONSIBILITIES. It is the responsibility of the owner to make certain that their residential rental property has a valid rental certificate. However, the department may notify the owner of an existing valid rental certificate, thirty days (30) in advance a notice of expiration. The owner/agent shall notify all tenants of the inspection in accordance with Chapter 562A (Uniform Residential Landlord and Tenant Law) of the Code of Iowa.

162.16 RENTAL CERTIFICATE/TRANSFERABILITY. Sale or transfer of a rental property shall not invalidate a current rental certificate issued in accordance with this Chapter. The owner of a multifamily dwelling unit shall display a copy of the rental

certificate in a common hallway of each building or in the onsite management office. The owner of a single family and duplex dwellings must be able to show a copy of the rental certificate upon request. Every rental certificate shall be valid for the time specified in the regular inspection schedule established in Section 162.12 unless sooner suspended or revoked.

The rental certificate issued under this Chapter shall contain the following information:

- A. Address of structure;
- B. Date of Inspection;
- C. Date of Issuance;
- D. Type of Structure and Number of dwelling units;
- E. Expiration Date;
- F. Any additional information as deemed necessary by the Building Official.

162.17 NOTICES ON SALE OF DWELLING. Every person holding a rental certificate as required in Section 162.10 shall give notice in writing to the Department of Housing within thirty (30) days after having sold, transferred, conveyed, or otherwise disposed ownership of, interest in or control of the residential rental property. The notice shall include information, in accordance with Section 162.09, of new said owner and owners' agent.

The seller shall also provide the following information to the new prospective owner prior to the closing date:

- A. Current status of rental certificate;
- B. Any outstanding notice regarding violations of this code;
- C. The existence of any court or administrative proceeding, which pertains to, alleged violations of this code.

162.18 COMPLAINT BY TENANT AND RETALIATORY ACTIONS. Unless there are significant health or safety issues, if the property has a valid rental certificate, a tenant must first file a complaint with the owner or owners' agent. Forms for that purpose will be available in the office of the Department of Housing.

- A. An owner or agent shall have seven (7) calendar days to address the complaint. If the complaint is not remedied to the tenant's satisfaction within seven calendar days the Department of Housing will schedule an inspection appointment with the tenant and owner.
- B. If an inspection was made at the written request of a tenant and the residential rental property is found to be in non-compliance, due to an omission of the owner, such owner shall be responsible for payment of the inspection fee in accordance with Section 162.12. If an inspection was made at the written request of a tenant and the residential rental property is found to be in compliance or if such noncompliance is due to conduct on the part of the tenant, the tenant shall be liable for the cost of such inspection in accordance with Section 162.12.
- C. No person shall maintain an action for eviction because the occupant has reported a violation of this Ordinance or a related provision of the City Code to the Department of Housing or other city officers or employees.

- D. No person shall cause any service, facility, equipment or utility required under this Chapter to be removed, shut off or discontinued in retaliation for a complaint.

162.19 RENT COLLECTIONS. Rent shall not be recoverable by the owner or lessee of any dwelling unit which does not comply with the provisions of this chapter for any period of occupancy which commences on or after the date that the city gives notice to the owner and tenant of the provisions of this section. Rent shall not thereupon be recoverable by the owner of such dwelling unit until the city gives written notice to the owner and occupant that such dwelling unit has been issued a valid inspection certificate as required by this chapter.

162.20 BOARD OF APPEALS.

In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and hereby created a Board of Appeals, consisting of five (5) members. Board members shall be chosen and appointed based on diversity and building construction knowledge, all of whom shall be residents of the City of Altoona, Iowa. One (1) member of said Board of Appeals at a minimum shall be a private citizen. The Building Official or designated representative shall be an ex-officio member without a vote and shall act as secretary of the Board. The appointment of members shall be for three (3) year terms, expiring on December 31, with not more than two (2) members' terms expiring any one year.

The Building Board of Appeals shall be appointed by the Mayor, subject to Council approval, and shall serve without compensation. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith. The Board shall meet at will and when there are appeals or business on file for a hearing.

Nominal appeal fee to the Building Board of Appeals shall be paid as set forth in Section *162.12 FEES AND RENTAL CERTIFICATES*.

162.21 WEEDS AND GRASS. Weeds and grass shall be regulated as defined in the City of Altoona Municipal Code.

162.22 MOTOR VEHICLES. Motor vehicles shall be regulated as defined in the City of Altoona Municipal Code.

162.23 GARBAGE. Garbage and/or Junk shall be regulated as defined in the City of Altoona Municipal Code.

162.24 PREMISE IDENTIFICATION. The last sentence of Section 304.3 IPMC shall be amended by deleting the number 4 inches and replacing with: *6 inches for other than Group R-3 occupancies and individual dwelling units in an R-2 occupancy as defined by the International Building Code.*

162.25 HANDRAILS AND GUARDS. Every exterior and interior flight of stairs having more than four risers constructed prior to 1983 shall have a handrail on one side of the stair, said handrail shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Handrails within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 or One and Two family dwellings shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues. Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface, which is more than 30 inches above the floor or grade below, shall have guards.

Guards within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 or One and Two family dwellings shall be permitted to be not less than 36" high. All other guards shall not be less than 42" in height. If guards are unenclosed they shall have intermediate rails or an ornamental pattern such that no object in excess of four inches in diameter can pass through.

Exception: For buildings constructed prior to 1983, handrails and guardrails, which are structurally sound, may provide the same height and opening protection/restriction as was required by the building code when the structure was originally constructed. Guards shall not be required where exempted by the adopted building code.

162.26 EMERGENCY ESCAPE OPENINGS. The following shall be added to the end of Section 702.4;

Exception: Construction existing prior to 1983 need not meet the standard minimum clear opening sizes and sill height requirement but shall have minimum clear opening width and height dimensions of 18 inches. These windows shall also have a minimum finished sill height of not more than 48 inches above the floor.

162.27 INSECT SCREENS. Section 304.14 shall hereby be amended by inserting the following dates: [from date] April 1 [to date] October 31, and the end of the paragraph stating; ..."*and every screen door used for insect control shall have a self-closing device in good working condition.*" shall be deleted.

162.28 HEAT SUPPLY. Section 602.3 shall hereby be amended by inserting the following dates: [from date] September 15 [to date] May 15.

162.29 OCCUPIABLE HEAT SPACES. Section 602.4 shall hereby be amended by inserting the following dates: [from date] September 15 [to date] May 15.

162.30 RECEPTACLES. Section 605.2 shall hereby be amended by adding the following to the end of the section: *All receptacle outlets located above the kitchen counter top surface, in bathrooms, in garages and exterior shall be GFCI protected.*

162.31 SECONDARY STORM SEWER. The provisions for secondary storm sewers shall comply with Section 157.24 of the City of Altoona, Code of Ordinances, 2004, for all structures with habitable and/or useable space below grade.

162.32 VIOLATIONS. See Chapter 4 of this Code of Ordinances.

SECTION 2. SEVERABILITY CLAUSE. 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.

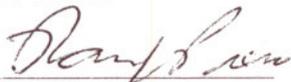
SECTION 3. WHEN EFFECTIVE. The provisions of Sections 162.01 through 162.12 and 162.32 of this ordinance shall be in effect from and after its final passage, approval and publication as provided by law. The provisions of Sections 162.13 through 162.31 of this ordinance shall be in effect 6 months from and after its final passage, approval and publication as provided by law.

Passage by the Council on the 15th day of June, 2009, and approved this 15th day of June, 2009.



Mayor

ATTEST:



City Clerk

First Reading: 5-18-2009

Second Reading: 6-1-2009

Third Reading: 6-15-2009

I certify that the foregoing was published as Ordinance No. 5-18-2009 ^{#1(33)} on the 18th day of June, 2009.



City Clerk