

## CHAPTER 5

### HOUSING CODE

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#### **17-5-1: SHORT TITLE:**

This chapter shall be known and designated as the *IOWA CITY HOUSING CODE*, hereinafter referred to as "the Housing Code". (1978 Code §17-1)

#### **17-5-2: PURPOSE:**

It is hereby declared that the purpose of this chapter is to ensure that housing facilities and conditions are of the quality necessary to protect and promote the health, safety and welfare of not only those persons utilizing the housing, but the general public as well. It is hereby further declared that the purpose of this chapter is to determine the responsibilities of owners, operators, occupants and the City necessary to maintain and administer the standards of this chapter. (1978 Code §17-1)

#### **17-5-3: DEFINITIONS:**

As used in this chapter, the following definitions shall apply. Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit", "type III dwelling unit" or "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof". Whenever the term "dwelling unit(s)" is used in this chapter, it shall include type III dwelling unit(s).

**ACCEPTABLE OR APPROVED:** In substantial compliance with the provisions of this chapter.

**ACCESSORY BUILDING/USE/STRUCTURE:** A building, structure, or use which:

- A. Is subordinate to the principal use of the property and contributes to the comfort, convenience or necessity of occupants, customers, or employees of the principal use; and
- B. Is under the same ownership as the principal use or uses on the property; and
- C. Does not include structures, structural features, or activities inconsistent with the uses to which they are accessory; and
- D. Except for off street parking located on a separate lot as approved through a special exception, is located on the same lot as

the principal use or uses to which it is accessory.

**ACCESSORY DWELLING UNIT:** A temporary dwelling unit that is accessory to an owner-occupied single-family dwelling.

**ADJOINING GRADE:** The elevation of the ground which extends five feet (5') from the perimeter of the dwelling.

**APPROVED:** See definition of acceptable or approved.

**APPURTENANCE:** That which is directly or indirectly connected or accessory to a thing.

**ATTIC:** Any story situated, wholly or partly, within the roof and so designed, arranged or built to be used for business, storage or habitation.

**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 installed in compliance with the Iowa City Plumbing Code.

**BEDROOM/SLEEPING ROOM:** A habitable room within a dwelling used or intended to be used for sleeping. Minimum size requirements for bedrooms are set forth in sections 17-5-17 and 17-5-18 of this chapter.

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

**CENTRAL HEATING SYSTEM:** A single system supplying heat to one or more dwelling unit(s) or more than one rooming unit.

**CERTIFICATE OF STRUCTURE COMPLIANCE:** A permanent document showing that the structure for which it is issued was in compliance with the provisions of sections 17-5-17 and 17-5-18 of this chapter at the time of issuance.

**CHIEF:** The administrative head of the Fire Department.

**CODE COMPLIANCE SETTLEMENT AGREEMENT:** A written agreement that shall include a list of specific actions and a specific schedule of deadlines for actions to abate the current violation and avoid further Code violations. It may also include provisions for periodic reassessment of the agreement or any written modification of the agreement.

**COMMUNAL:** Used or shared by or intended to be used or shared by the occupants of two (2) or more rooming units or two (2) or more dwelling units.

**CONDOMINIUM:** A dwelling unit in compliance or conformance with the requirements of the Code of Iowa, as amended.

**COOPERATIVE:** A dwelling unit in compliance or conformance with the requirements of the Code of Iowa, as amended.

**COURT:** An open, unoccupied space, other than a yard, on the same lot with a dwelling. A court not extending to the street or front or rear yard is an inner court. A court extending to the street or front yard or rear yard is an outer court.

**DESIGNATED AGENT:** The person designated by owner(s) of rental property who are not residents of Johnson County, as well as condominium associations, who has authority to act on the owners' behalf to accept service of legal processes and notices and to authorize repairs as required.

**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.

**DIRECTOR:** The Director of the Department of Housing and Inspection Services.

**DUPLEX:** A structure in which there are two (2) dwelling units within a single building, and both dwelling units are located on the same lot.

**DWELLING:** Any building, structure or manufactured housing, except temporary housing, 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 definition of multiple dwelling.

**DWELLING, SINGLE-FAMILY:** See definition of single-family dwelling.

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

**EGRESS:** An arrangement of exit routes to provide a means of exit from buildings and/or premises.

**EXIT:** A continuous and unobstructed means of egress to a public way and shall include intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exit, exit passageway, exit court, 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 or trapping or by any other recognized and legal pest elimination methods approved by the inspector.

**FRATERNITY/SORORITY HOUSE:** A building used as a residence by a chapter of a fraternal or sororal nonprofit organization recognized by the University of Iowa. For purposes of this Code, a fraternity/sorority house shall be considered a rooming house. Occupancy classification for State of Iowa Fire Code is "dormitory".

**GUEST:** An individual who shares a dwelling on a temporary basis for not more than thirty (30) days in any given calendar year; or

a person who stays in a hospitality oriented retail use.

**HABITABLE ROOM:** A room or enclosed floor space within a dwelling having a minimum of seventy (70) square feet of total floor area with not less than seven feet (7') in any horizontal dimension, used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, toilet rooms, pantries, laundries, foyers, communicating corridors, closets, storage spaces, stairways and recreation rooms in basements (see definition of recreation room in basement). Notwithstanding the foregoing, bedrooms must meet the dimensional requirements as set forth in sections 17-5-17 and 17-5-18 of this chapter.

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

**INSPECTOR:** The official or officials of the City who administer the provisions of the Housing, Building, Nuisance and Zoning Codes, together with duly authorized representative(s) and/or agent(s).

**KITCHEN:** A room used or intended to be used for cooking or the preparation of meals.

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

**KITCHENETTE:** A food preparation area not less than forty (40) square feet in area.

**LAVATORY:** A hand washing basin connected to both hot and cold water lines and separate and distinct from a kitchen sink.

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

**MANUFACTURED HOUSING:** 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 (3) or more dwelling units.

**OCCUPANT:** A person who is physically present in the dwelling and is engaged in activities of daily living, including, but not limited to, sleeping, cooking, eating, and sanitation, for at least thirty one (31) days in any calendar year or who is a tenant.

**OPERATOR:** Any person who rents to another or who 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.

**OWNER:** Any person who has custody and/or control of any dwelling, dwelling unit or rooming unit by virtue of a contractual interest in or legal or equitable title to said dwelling, dwelling unit or rooming unit as guardian or conservator.

**OWNER OCCUPANT:** An owner who is physically present in the dwelling and is engaged in activities of daily living, including, but not limited to, sleeping, cooking, eating, and sanitation, for at least ninety (90) days in any calendar year.

**PERMIT:** See definition of rental permit.

**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:** Means and includes any or all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, solid waste disposal units, waste pipes, toilets, sinks, lavatories, bathtubs, shower baths, water heating devices, catch basins, drains, vents and any other similar supplied fixture, together with all connections to water, sanitary sewer or gas services.

**PORCH:** A platform completely covered by a roof located and attached to a building.

**PREMISES:** A lot, plot or parcel of land, including a building(s) and/or accessory structure(s) thereon.

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

**PROPERTY MANAGEMENT ACTION PLAN:** The property management action plan shall be a detailed written response from the property owner or owner's designated agent describing the manner in which the property owner will, within their legal authority, make a good faith effort to prevent nuisance activities from continuing. The plan shall be filed with the Department of Housing and Inspection Services for approval within ten (10) working days from the date of the notice of violation sent to the owner or owner's designated agent.

**PROPERTY MANAGEMENT PERFORMANCE GUARANTEE:** A cash deposit, certified check or irrevocable standby letter of credit in the amount of the estimated cost of the enforcement costs, to be determined by the City Manager or designee.

**PUBLIC WAY:** Any parcel of land, unobstructed from the ground to the sky, more than ten feet (10') in width, dedicated to the free passage of the general public.

**RECREATION ROOM IN BASEMENT:** A room located in a basement used for general recreation purposes and not used, nor intended to be used, for sleeping. This room shall be in addition to the minimum space and facility requirements for a dwelling unit or rooming unit.

**REGULATIONS:** See definition of rules and regulations.

**RENTAL PERMIT:** A document, issued periodically, which grants the owner or operator the option of letting a dwelling, dwelling unit, rooming unit, or type III dwelling unit for rental purposes and showing that the dwelling, dwelling unit, rooming unit, or type III dwelling unit for which it is issued was in compliance with the applicable provisions of this chapter at the time of issuance.

RENTAL PROPERTY: Any dwelling not owner occupied, regardless whether rent is paid.

ROOMER: An occupant of a rooming unit who is not an owner occupant.

ROOMING HOUSE: Any dwelling containing two (2) or more rooming units or type III dwelling units, in which space is let by the owner or operator to four (4) or more roomers. Occupants of units specifically designated as type III dwelling units within a rooming house shall be included in the roomer count. Any dwelling with a combination of dwelling units, rooming units, and type III dwelling units is considered a nonconforming rooming house. A rooming house is classified as an independent group living use in title 14 of this Code.

ROOMING UNIT: Any habitable room or group of adjoining habitable rooms located within a group living use, as defined in title 14 of this Code, and forming a single private unit with facilities which are used or intended to be used by a roomer or roomers for living and sleeping, but not cooking.

RUBBISH: Inorganic waste material consisting of combustible and/or noncombustible materials.

RULES AND REGULATIONS: Those administrative procedures adopted by the Director for the efficient internal management of the Department of Housing and Inspection Services. All rules and regulations shall be limited to departmental administrative and procedural matters, rather than substantive matters and shall not be inconsistent with this chapter.

SHARED LIVING SPACE: Any habitable room or group of adjoining habitable rooms, not including bedrooms, located within a household living use, as defined in title 14 of this Code.

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

SOLID WASTE: Animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food and shall also mean combustible waste material. The term shall also include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings and other combustible materials.

SOLID WASTE CONTAINER: A watertight container that is constructed of metal or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions.

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 and designed to be transportable and not attached to the ground, to another structure or to any utilities system on the same premises. Such temporary housing may occur for no more than twenty one (21) consecutive days nor exceed a total of forty five (45) days in any calendar year.

TENANT: Any occupant of a dwelling unit who is not an owner or operator of said dwelling unit or who is entitled under a rental agreement to occupy a dwelling unit to the exclusion of another.

TO LET: The granting, either in writing or orally, by the owner or operator to another the right to possess a dwelling, a dwelling unit, a rooming unit, or a type III dwelling unit.

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

TYPE III DWELLING UNIT: Any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking and eating of meals but does not have a toilet or bath available for the exclusive use of the occupants thereof. (1978 Code §17-2; amd. 1994 Code; Ord. 02-4052, 11-5-2002; Ord. 03-4082, 5-20-2003; Ord. 08-4315, 9-9-2008; Ord. 17-4734, 12-19-2017, eff. 1-1-2018; Ord. 18-4744, 4-2-2018)

#### **17-5-4: SCOPE OF PROVISIONS:**

The provisions of this chapter shall apply to all dwellings within the jurisdiction of the City used or intended to be used for human occupancy, except said provisions shall not be applicable to "temporary housing", as defined herein. (1978 Code §17-1)

#### **17-5-5: COMPLIANCE WITH STATE LAW:**

The City, in compliance with the requirements of the Code of Iowa, as amended, hereby adopts the December 17, 1979, version of the "Housing Quality Standards" promulgated by the United States Department of Housing and Urban Development (24 CFR section 882.109[a] through [l]) as the adopted Model Housing Code for the City, as amended. The City has integrated the housing quality standard in sections 17-5-1 through 17-5-20 of this chapter, which provisions, to be enforced by the City, are as stringent as, or more stringent than, those in the Model Housing Code as adopted. (1978 Code §17-1; amd. 1994 Code)

#### **17-5-6: ADMINISTRATION AND ENFORCEMENT OFFICIAL:**

The inspector is hereby authorized to administer and enforce the provisions of the housing code and to make inspections to determine the condition of all dwellings, dwelling units, rooming units, structures and premises located within the city, in order that the inspector may perform the duty of safeguarding the health, safety and welfare of the occupants of dwellings and of the general public under the provisions of the housing code. (1978 Code §17-3)

#### **17-5-7: INSPECTIONS:**

A. Inspection Of Owner Occupied, Single-Family Dwellings: Inspections of owner occupied, single-family dwellings shall occur only upon request or complaint to the inspector, and only the standards of sections 17-5-17, 17-5-19 and 17-5-20 of this chapter shall be applicable.

B. Inspections Of Structure Items: The provisions of sections 17-5-17 and 17-5-18 of this chapter in effect at the time of issuance of a certificate of structure compliance shall be the only structure standards applicable to a dwelling. Upon the issuance of a certificate of structure compliance, there shall be no further inspection and enforcement of the structure items under sections 17-5-17 and 17-5-18 of this chapter.

C. Maintenance Inspections: Inspections of the provisions of section 17-5-19 of this chapter shall be conducted upon request, on a complaint basis and/or through a program of regular rental inspections. Regular inspections shall be conducted as determined by resolution of the city council.

D. Right To Access By Inspector:

1. The inspector is hereby authorized to conduct consensual inspections of any dwelling within Iowa City in order to perform the duty of safeguarding the health, safety and general welfare of the occupants or the public. Whenever necessary to make an inspection to enforce any of the provisions of the housing code or whenever the inspector has reasonable cause to believe that there exists in any dwelling, dwelling unit, rooming unit or premises any condition which makes such unit or premises in violation of any provision of the housing code or in response to a complaint that an alleged violation of a provision of the housing code may exist, the inspector may enter such unit or premises at all reasonable times to inspect the same or to perform any duty imposed upon the inspector by the housing code, provided if such unit or premises be occupied, the inspector shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. The inspector and/or authorized representative shall, at such time: a) identify themselves and their positions; and b) explain why entry is sought.

2. If entry is refused, the inspector shall request that the inspection be conducted at a reasonable time, suitable to the owner or occupant. If the request for future entry is refused, the inspector shall, at that time or at a later time, explain to the owner and/or occupant that: a) the occupant may refuse, without penalty, entry without a search warrant; and b) the inspector may apply to the magistrate for a search warrant.

E. Search Warrant: If consent to inspect a building is withheld by any person having the lawful right to exclude, the inspector may apply to a magistrate of the Iowa district court in and for county for a search warrant of the building. No owner or occupant or any other person having charge, care or control of any dwelling, dwelling unit, rooming unit, structure or premises shall fail or neglect, after presentation of a search warrant, to properly permit entry therein by the inspector or authorized representative for the purpose of inspection and examination pursuant to the housing code. (1978 Code §17-3)

**17-5-8: ACCESS BY OWNER OR OPERATOR FOR MAINTENANCE:**

Every occupant of a dwelling, dwelling unit or rooming unit shall, upon proper notice, give access to the owner, operator or agent or employee to any part of such dwelling, dwelling unit, rooming unit or premises at all reasonable times for the purpose of effecting such maintenance, making such repairs or making such alterations as are necessary to effect compliance with, or any lawful notice or order issued pursuant to the provisions of the housing code. (1978 Code §17-3)

**17-5-9: EMERGENCY ORDERS:**

Whenever the inspector, in the enforcement of the housing code, finds that a condition exists which requires immediate action to protect the health or safety of the occupants and/or the general public, the inspector may, without notice or hearing, issue an order reciting the existence of such a condition and requiring that action be taken such as the inspector deems necessary to abate the condition. If necessary, the director may order that the premises be vacated forthwith, and said premises shall not be reoccupied until the order to make repairs has been complied with. Notwithstanding other provisions of this chapter, such order shall be effective immediately or in the time and manner prescribed by the order itself. (1978 Code §17-3)

Notwithstanding section 17-5-11 of this chapter, rent shall be abated if the inspector issues an emergency order for failure to comply with this chapter and the owner fails to repair the condition giving rise to the order within five (5) days. Rent abatement means that the owner may not recover rent from the tenant. The effective date of the abatement is the date the inspector issues the emergency order. Notice to the owner and tenant of the rent abatement shall be given in the same manner as in section 17-5-11 of this chapter. (Ord. 17-4727, 10-3-2017)

**17-5-10: PLACARDING OF STRUCTURES; CONDEMNATION REFERRALS:**

A. Placarding Procedures: Any dwelling, dwelling unit or rooming unit found to be so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a hazard to the health or safety of the occupants or of the public shall be determined to be unfit for human habitation and shall be so designated and placarded by the Director.

B. Order To Vacate Placarded Dwelling: Any dwelling, dwelling unit, rooming unit or any portion thereof placarded as being unfit for human habitation by the Director shall be vacated immediately or as ordered by the Director. (1978 Code §17-3)

C. Approval Required To Reoccupy Placarded Dwelling: No dwelling, dwelling unit, rooming unit or portion thereof which has been placarded as unfit for human habitation shall be used for human habitation again until written approval is secured from, and such placard is removed by, the Director. The Director shall remove such placard whenever the defect(s) for which the dwelling was placarded has been eliminated.

D. Removal Of Placard Prohibited: No person shall deface or remove a placard from any dwelling, dwelling unit or rooming unit which has been deemed unfit for human habitation and placarded as such, except as provided in subsection C of this section. (1978 Code §17-3; amd. 1994 Code)

E. Condemnation Referral: After a reasonable period of time after a property has been placarded and no remedial action begun, the City may pursue condemnation consistent with this Code and the Code of Iowa. (Ord. 15-4648, 11-10-2015)

F. Rent Abatement: Notwithstanding section 17-5-11 of this chapter, rent shall be abated if the Director placards the dwelling unit for violation of this chapter for more than five (5) consecutive days. Rent abatement means that the owner may not recover rent from the tenant. The effective date of the abatement is the date the dwelling unit was placarded. Notice to the owner and tenant of the rent abatement shall be given in the same manner as in section 17-5-11 of this chapter. (Ord. 17-4727, 10-3-2017)

**17-5-11: RENT ABATEMENT:**

A. The building official may order rent abated when the building official determines that the owner has, after issuance of a notice of violation of this chapter:

1. Failed to provide an essential service (water, sewer, electricity, heat);

2. Failed to remedy a condition that poses a substantial risk to the health or safety of the tenant; or
3. Rented a dwelling unit without a rental permit.

B. Rent abatement means that the owner may not recover rent from the tenant. Rent shall be abated until the condition for which rent abatement was ordered has, in the judgment of the building official, been remedied.

C. The building official shall provide a copy of the rent abatement order to the owner at the address on the rental permit and to the tenant by U.S. mail and by posting the entrance door to dwelling unit. Notice of termination of the rent abatement order will be given in the same manner. (Ord. 17-4727, 10-3-2017)

#### **17-5-12: RULES AND REGULATIONS:**

The inspector shall make all rules and regulations available to the general public. Standard forms and blank notices shall also be available upon request. (1978 Code §17-3)

#### **17-5-13: APPEALS BOARD; VARIANCES AND APPEALS:**

##### A. Jurisdiction Of Appeals Board:

1. Appeals to the Appeals Board may be taken by any person affected by any decision of the Director or designee or by any written notice. Any person wishing to seek a variance to this chapter may petition the Appeals Board for relief. (Ord. 03-4082, 5-20-2003)

2. If the Appeals Board sustains or modifies a decision or a notice, it shall be deemed to be an order, and the owner, operator or occupant, as the case may require, shall comply with all provisions of such order within a reasonable period of time which shall be determined by the Appeals Board. (1978 Code §17-3; amd. 1994 Code; Ord. 03-4082, 5-20-2003)

##### B. Appeals Board Procedures:

1. The Appeals Board, upon receipt of an appeal request and payment of the filing fee, as established by resolution of the City Council, shall set a time and a place for the hearing. The applicant shall be advised, in writing, of such time and place at least seven (7) calendar days prior to the date of the hearing.

2. At such a hearing, the applicant shall have an opportunity to be heard and to show cause as to why such notice or order should be modified, extended, revoked or why a variance should be granted.

3. The Appeals Board, by a majority vote, may sustain, modify, extend or revoke a notice to grant or deny a variance.

4. The appeals board may grant variances or extensions of time to make repairs. In the event that an extension and/or variance is granted, the appeals board shall observe the following conditions:

a. In lieu of or in addition to administrative extensions, the appeals board may grant an extension or extensions of time for the compliance of any order or notice, provided the appeals board makes specific findings of fact based on evidence relating to the following:

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

(2) Such an extension is in harmony with the general purpose and intent of this chapter in securing the public health, safety and general welfare.

b. Except under extraordinary circumstances, the extension or sum of extensions shall not exceed eighteen (18) months.

c. The appeals board may grant a variance in a specific case and from a specific provision of this chapter, subject to appropriate conditions, and provided the appeals board makes specific findings of fact based on the evidence presented on the record as a whole and relate to the following:

(1) There are practical difficulties or unnecessary hardships in carrying out a strict letter of any notice or order; and

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

(3) An extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships in this arbitrary effect; and

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

d. Upon appeal or by petition, the appeals board shall consider the adoption of a general variance. The appeals board, by a majority vote, may establish a general variance for existing structures which cannot practicably meet the standards of the code. Prior to considering any general variance, public notice shall be given. A general variance, if granted, shall:

(1) State in what manner the variance from the specific provision(s) is to be allowed; and

(2) State the conditions under which the variance is to be made; and

(3) Be based upon specific findings of fact based on evidence related to the following:

(A) There are practical difficulties or unnecessary hardships in carrying out the strict letter of the specific provision, common to dwellings, dwelling units or rooming units to which the variance will apply; and

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

e. The effective date of the variance shall be thirty (30) calendar days after notification to the city council unless vetoed by an extraordinary majority of the city council during said thirty (30) day period. (1978 Code §17-3; amd. 1994 Code)

**17-5-14: INFORMATIONAL DISCLOSURE AND ACKNOWLEDGEMENT FORM:**

Beginning with written or oral rental agreements entered into after the effective date hereof, the owner or operator and all tenants, excluding minor dependents of a tenant under the lease, shall execute an informational disclosure and acknowledgement form, which is prepared by the city department of housing inspection services, that provides the following:

- A. The maximum occupancy limit of the dwelling unit as established by the city if said limit is available. The maximum occupancy limit is available for purposes of this section if it is on the housing and inspection services web page on the city web site at the link entitled "rental permit". Owners, operators, and tenants may access said limit via the internet or by telephoning the housing and inspection services department or by visiting housing and inspection services department personally. Owners, operators, and tenants have the affirmative duty to determine whether the maximum occupancy limit is available.
- B. The names of the tenants, pursuant to the rental agreement, who may occupy said unit.
- C. Acknowledgment that the owner, operator, and tenant are responsible for complying with the maximum occupancy limits prescribed by this Code and that violation of the maximum occupancy limits can result in a fine to the owner, operator, and/or tenant. The informational disclosure and acknowledgment form shall further contain a statement that nothing in the document shall prevent an owner or operator from limiting the number of tenants in a dwelling unit to less than the maximum allowable occupancy permitted by this Code.
- D. Identification of specific nonhabitable spaces and rooms that cannot be used for sleeping purposes.
- E. Acknowledgment of allowed parking, if any, and acknowledgment that there is no parking on the grass or on the public sidewalk.
- F. Trash and recycling requirements, but only if the rental property is four (4) dwelling units or less.
- G. A recitation of the language of section 8-5-5 of this Code, the crime of disorderly house.
- H. City website address.
- I. Contact information for the City of Iowa City Neighborhood Services Coordinator.
- J. Information on where to locate the Iowa Residential Landlord Tenant Law <sup>1</sup> including a website.
- K. Who is responsible for snow removal and lawn mowing. (Ord. 02-4052, 11-5-2002)
- L. Information concerning the Iowa law on rental deposits as follows: 1) the right of the landlord to withhold from the rental deposit such amounts as are reasonably necessary to restore the premises to the condition at the commencement of the tenancy, including the university off campus website or another website that provides a checklist for documenting the condition of the premises; and 2) the requirement that the tenant provide the landlord with the tenant's mailing address or delivery instructions for return of the rental deposit. (Ord. 11-4430, 5-17-2011)
- M. Notification of the availability of a map showing whether the unit is in a floodplain and a link to the map. (Ord. 16-4670, 7-19-2016)

The owner or operator shall provide a photocopy of the executed informational disclosure and acknowledgment to the inspector upon request. (Ord. 02-4052, 11-5-2002)

Notes

<sup>1</sup> 1. IC ch. 562A.

**17-5-15: DESIGNATION AND REGISTRATION OF DESIGNATED AGENT:**

Owners of rental property not residing in the County and/or condominium associations shall designate and register with the City in the Office of the Department of Housing and Inspection Services a "designated agent" located in the County and empowered to represent a property owner(s) in matters concerning compliance with the Iowa City Housing Code and as defined in section 17-5-3 of this chapter. Failure to designate and register a designated agent is a violation of this chapter and may result in revocation of a rental permit. (1978 Code §17-3)

**17-5-16: CERTIFICATE OF STRUCTURE COMPLIANCE AND RENTAL PERMIT:**

A. Certificate And Permit Required For Rental Property: It shall be a violation of this Code for any person to let to another any dwelling, dwelling unit, duplex, multiple dwelling, rooming unit, type III dwelling unit, or rooming house, except the owner occupant who lets to no more than one tenant, unless:

- 1. The owner or operator holds a valid certificate of structure compliance, issued by the City, applicable to those portions of the specific structure used for residential rental purposes.
- 2. The owner or operator holds a valid rental permit, issued by the City in the name of the owner or operator, applicable to those portions of the specific structure used for residential rental purposes.

The one tenant exception provided herein is limited to one tenant per dwelling unit regardless of the number of owner occupants. By way of illustration, if there are two (2) owner occupants in a single-family dwelling, a rental permit is required if there are two (2) or more tenants. (Ord. 17-4734, 12-19-2017, eff. 1-1-2018)

## B. Certificate Of Structure Compliance:

1. Scope Of Certificate; Transfers; Contents: The certificate of structure compliance shall be a permanent document, except as noted below, which, when issued, shall satisfy the requirements of sections 17-5-17 and 17-5-18 of this chapter. The certificate shall be transferable at the time of a change in ownership and shall remain a part of the Iowa City property file as a matter of public record. The certificate, in and of itself, shall not be interpreted as granting the owner or operator the privilege of letting the structure for residential occupancy but must be accompanied by a valid rental permit. The certificate of structure compliance shall state the date of issuance, type of structure for which the certificate is being issued and street address of the structure to which it is applicable. All dwelling units and rooming units being let for rent and occupancy without a valid certificate of structure compliance or application for the same on file with the City and fees paid may be ordered vacated.

2. Application For Certificate: The owner or operator shall file, in duplicate, an application for a certificate of structure compliance with the Department of Housing and Inspection Services on application forms provided by the inspector.

3. Issuance Of Certificate: When the provisions of sections 17-5-17 and 17-5-18 of this chapter have been complied with by the owner or operator, the Department of Housing and Inspection Services shall issue a certificate of structure compliance upon payment of a fee, the amount of which shall be set by resolution of the City Council.

4. Revocation Of Certificate: The certificate of structure compliance shall be permanent, except when there has been fraud, collusion or illegality in the inspection process applicable to this certificate of structure compliance or when there exists a material and substantial noncompliance with section 17-5-17 or 17-5-18 of this chapter which directly affects the health and/or safety of the occupants therein. The inspector or any other individual who believes that there exists grounds for revocation may petition the Appeals Board to revoke the certificate of structure compliance. The burden of proof shall be upon the party seeking the revocation. The owner or operator of the affected property shall be properly notified of the petition for revocation and shall be notified of the date, place and time of the Appeals Board's consideration of the petition and may appear and defend. Upon final determination by the Appeals Board, a certificate of structure compliance may be modified to reflect the compliance of each dwelling unit and/or rooming unit with sections 17-5-17 and/or 17-5-18 of this chapter or may be revoked in whole or in part. (1978 Code §17-4; amd. 1994 Code)

## C. Rental Permit:

1. Scope Of Permit; Transfers; Contents: A rental permit shall be a document indicating compliance with section 17-5-19 of this chapter at the time of issuance and shall be valid for a specified period of time. The document shall be transferable from one owner or operator to another at any time prior to its expiration, termination or revocation. The owner or operator shall notify the Department of Housing and Inspection Services of any change of interest or ownership in the property within thirty (30) calendar days of any conveyance or transfer of interest affecting the property and provide the name and address of all persons who have acquired an interest therein. In the event that the Department of Housing and Inspection Services has not been notified of such conveyance or transfer within the designated period of time, the rental permit shall be transferred from one owner or operator to another only upon payment of a fee, the amount of which shall be established by resolution of the City Council which shall be assessed to the new owner or operator. The rental permit shall state the date of issuance, the address of the structure to which it is applicable, the name of the new owner or operator to which it is applicable, and its new expiration date. The rental permit shall also state the maximum occupancy and the telephone number for the property owner or designated agent. All dwelling units and rooming units being let for rent and occupancy without a valid rental permit may be ordered vacated. (1978 Code §17-4; amd. 1994 Code; Ord. 03-4082, 5-20-2003)

2. Application For Permit: The owner or operator shall file, in duplicate, an application for rental permit with the Department of Housing and Inspection Services on application forms provided by the inspector. (1978 Code §17-4; amd. 1994 Code)

### 3. Issuance Of Permit:

a. When all provisions of section 17-5-19 of this chapter have been complied with by the owner or operator, the Department of Housing and Inspection Services shall issue a rental permit upon payment of all permit and reinspection fees, the amounts of which shall be established by resolution of the City Council. However, unless the Director determines there is good cause, the rental permit shall not be issued if there are any open building permits on the property, if there are any unpaid judgments entered against the owner in a Municipal infraction for a Code violation on the property or on any other rental property of the owner, or if the owner has failed to cure a violation on the property or on any other rental property of the owner as ordered by the court. (Ord. 08-4315, 9-9-2008; amd. Ord. 18-4769, 9-18-2018)

### b. Notwithstanding any other provision in this chapter:

(1) The City shall not issue a rental permit for any single-family dwelling or duplex to an owner occupant unless said owner has provided written documentation showing a bona fide intent, as reasonably determined by the Director, to vacate the dwelling for a minimum period of one hundred eighty (180) consecutive days.

(2) Such documentation shall include, but is not limited to: transfer of employment, acceptance of new employment, military orders, acceptance to an educational institution, executed purchase agreement for a single-family or other residential unit, executed lease for a single-family or other residential unit, and marriage license.

(3) The rental permit shall be revoked if the owner fails to vacate the dwelling within one hundred eighty (180) days of its issuance.

(4) No rental permit issued to an owner occupant between January 1, 2018 and the effective date of this subsection C3b shall be renewed unless the owner occupant meets the requirements set forth herein.

(5) With respect to this provision, the Board of Appeals does not have authority to hear an appeal of a decision to deny or revoke a rental permit, grant a variance, or grant any other relief. (Ord. 18-4769, 9-18-2018)

4. Expiration Of Permit; Extensions: Rental permits shall be valid through the expiration date contained thereon. However, extensions shall be granted to cover any time period between the stated expiration date and the period of time permitted by the



inspector to remedy any violations cited subsequent to a maintenance inspection, provided a rental application is on file with fees paid, up to a maximum of twelve (12) months. (Ord. 17-4734, 12-19-2017, eff. 1-1-2018)

5. Required Procedures Prior To Commencement Of Rental Permit Sanctions:

a. Following a violation that serves as a basis for rental permit sanctions, written notice shall be given by the City to the owner or owner's designated agent of the premises at which the Code violations occurred. The notice is to be sent by regular mail.

b. Following a second violation that serves as a basis for rental permit sanctions within a twelve (12) month period, the City shall schedule a Code compliance settlement meeting involving landlords, tenants, and others whose corrective action is considered necessary by the City to abate and avoid further Code violations. The notice of the meeting is to be sent by regular mail within ten (10) working days of the City providing notice to the owner or owner's agent as required above.

(1) The desired outcome of the Code compliance settlement meeting will be to obtain a Code compliance settlement agreement in which relevant parties, including the owner or owner's designated agent and the tenant(s), agree to take corrective action to abate and avoid further Code violations.

(2) The owner, owner's designated agent, and/or tenant is in violation of this provision under the following circumstances:

(A) Does not attend a Code compliance settlement meeting.

(B) Fails or refuses to sign a Code compliance settlement agreement within forty eight (48) hours of receiving the proposed agreement from the City.

(C) Subsequently fails or refuses to comply with any conditions or requirements set forth in a Code compliance settlement agreement.

(3) Violation of this provision authorizes the City to impose rental permit sanctions. The City in its determination may consider, without limitation, the following factors:

(A) Level of cooperation of the parties in attempting to resolve issues.

(B) Level of disturbance associated with the violations.

(C) Impact of violations upon neighbors or other victims.

(D) Degree to which parties have taken reasonable steps to try and resolve problems.

(E) History of City and State Code violations. (Ord. 03-4082, 4-20-2003)

(4) Violation of this provision authorizes the City to issue Municipal infraction citations to any tenant, whose corrective action is considered necessary by the City to abate and avoid further Code violations, who fails to attend, refuses to sign or subsequently fails or refuses to comply with conditions or requirements set forth in a Code compliance settlement agreement. (Ord. 08-4315, 9-9-2008)

c. Effective July 1, 2018, the twelve (12) month period of time in subsection C5b of this section shall be twenty four (24) months. (Ord. 17-4734, 12-19-2017, eff. 1-1-2018)

6. Defenses To An Enforcement Action Of The Provisions Of This Section: It shall be a defense to an enforcement action pursuant to the provisions of this section if an owner or owner's designated agent has:

a. Reported the violation to law enforcement;

b. Evicted or attempted to evict by commencing and pursuing with due diligence all legal remedies to evict those tenants charged with one of the specified violations. It is not the intention of this provision to apply to tenants who have not been charged with one of the specified violations;

c. Undertaken and pursued with due diligence, reasonable means to avoid a recurrence of Code violations on the premises by the present and future tenants or occupants of the premises; or

d. Executed a property management action plan.

The defenses set forth in this section shall not be available to any person who fails to attend a Code compliance settlement meeting.

7. Rental Permit Sanctions:

Comment: Sanctions may be applied to an individual dwelling unit, the entire rental dwelling, or the premises. Each separate violation shall count as a basis for a rental permit sanction unless the owner qualifies for a defense to enforcement under subsection C6 of this section. The following sanctions may be imposed upon a rental permit:

a. Reduced term rental permit (1 year rental permit);

b. Suspension of rental permit; and

c. Revocation of rental permit.

8. Reduced Term Rental Permits: The Director may issue a reduced term rental permit with conditions for any of the following reasons:

a. The owner, any occupant, and/or any of their guests on two (2) or more separate occasions within a twelve (12) month period of time have been issued criminal complaints for violations of the following provisions of the Iowa Code, this Code or United States Code on the premises of a rental property:

- (1) Iowa Code chapter 124, sections 401 and 403 (controlled substance).
- (2) Iowa Code chapter 708, sections 708.1 (assault), 708.3 (assault while participating in a felony), 708.4 (wilful injury), 708.6 (terrorism), 708.11 (stalking).
- (3) Iowa Code chapter 724, sections 724.3 (unauthorized possession of offensive weapons), 724.16 (trafficking in stolen weapons), 724.30 (reckless use of a firearm).
- (4) Iowa Code chapter 123, sections 123.46 (consumption or intoxication in public places), 123.47 (possession of alcohol under legal age).
- (5) Iowa Code chapter 716, sections 716.3 (criminal mischief in the first degree), 716.4 (criminal mischief in the second degree), 716.5 (criminal mischief in the third degree), 716.6 (criminal mischief in the fourth degree), 716.6A (criminal mischief in violation of individual rights), 716.7 (trespass).
- (6) Iowa Code chapter 719, section 719.1 (interference with official acts).
- (7) Iowa Code chapter 723, sections 723.1 (riot), 723.4 (disorderly conduct).
- (8) Title 13, United States Code, sections 841, 842, 843, 844, 846, 856, and 861 (controlled substances).
- (9) Section 4-5-3, "Consumption Or Possession In Public Places And City Buildings", of this Code.
- (10) Section 4-5-4, "Regulation Of Persons Under Legal Age", of this Code.
- (11) Title 6, chapter 4, "Noise Control", of this Code.
- (12) Section 8-5-1, "Disorderly Conduct", of this Code.
- (13) Subsection 8-5-3C, "Obstructing Officers", of this Code.
- (14) Section 8-5-4, "Damaging, Defacing Property", of this Code.
- (15) Section 8-5-5, "Keeping Disorderly House", of this Code.
- (16) Section 8-5-6, "Indecent Exposure", of this Code. (Ord. 03-4082, 4-20-2003)
- (17) Section 8-5-13, "Public Urination And Defecation", of this Code. (Ord. 12-4468, 3-20-2012)

b. The owner, any occupant, and/or any of their guests on three (3) or more separate occasions within a period of twelve (12) months have been issued Municipal citations or written notices of violations for the following provisions of this Code on the premises of a rental property:

- (1) This title, "Building And Housing".
- (2) Title 14, "Zoning Code", of this Code.
- (3) Title 6, chapter 1, "Nuisances", of this Code.
- (4) Title 6, chapter 3, "Weed Control", of this Code.
- (5) Title 6, chapter 9, "Graffiti", of this Code. (Ord. 03-4082, 4-20-2003)

c. On two (2) or more separate occasions within a twelve (12) month period of time, there is a founded complaint against a tenant. "Founded complaint" means the issuance of a Municipal infraction against a tenant for violation of subsection 8-5-5C, "Civil Sanction", of this Code or evidence sufficient to issue a criminal complaint for violation of subsection 8-5-5A, "Simple Misdemeanor", of this Code had a police officer been able to identify a tenant who was present. (Ord. 12-4496, 9-18-2012)

The reduced term rental permit will be a one year rental permit required to be renewed annually. This sanction shall be in effect for a period of not less than four (4) years and annual licensing inspections and fees are required. The Director may require any of the following with the issuance of a reduced term rental permit: compliance with Iowa Code and/or City codes; submittal of a copy of the current lease agreement; payment of all City fees; payment of all court costs and fines; execution of a property management action plan; provision of a property management performance guarantee; and any other information the City deems necessary for enforcement of any provision of the Iowa Code or this Code. (Ord. 03-4082, 4-20-2003)

d. Effective July 1, 2018, the twelve (12) month period of time in subsections C8a, C8b, and C8c of this section shall be twenty four (24) months. (Ord. 17-4734, 12-19-2017, eff. 1-1-2018)

9. Basis For Suspension Of Rental Permit: The Director may suspend a rental permit for any of the following reasons:

- a. Failure to comply with the conditions of the reduced term rental permit.
- b. Failure to comply with a court decision concerning the violation of any provision of section 17-5-19 of this chapter.
- c. Adjudication by the court that the owner, owner's designated agent, or persons acting on behalf of the owner has: 1) violated the maximum occupancy provisions of this Code; 2) illegally used or allowed the illegal use of nonhabitable or nonoccupiable space; or 3) illegally converted space to habitable use.
- d. Failure to comply with an order to abate a dangerous building.
- e. Failure to comply with any emergency order or placarding of a structure.
- f. Additional violations by the tenants or owner of the Iowa Code, this Code, or United States Code occur within one year of

the conditions imposed pursuant to the reduced term rental permit. (Ord. 03-4082, 4-20-2003)

g. Failure by the owner to pay a judgment or to cure a violation as ordered by the court in a Municipal infraction for a Code violation on the property or on any other rental property of the owner. The rental permit shall be reinstated upon payment of the judgment or abatement of the violation. (Ord. 08-4315, 9-9-2008)

A rental permit shall be suspended for no more than one hundred eighty (180) days beginning from the date of the Director's decision or a court ruling on a Municipal infraction and no later than at the end of the current lease period unless a property management plan is executed.

10. Basis For Revocation Of Rental Permit: The Director may revoke a rental permit for any of the following reasons:

- a. Failure to comply with an order to abate a dangerous building.
- b. Failure to comply with an emergency order or placarding of a structure.
- c. Failure to comply with suspension of rental permit.
- d. More than one basis for rental permit suspension within two (2) years of the reinstated permit previously having been suspended.
- e. The owner or owner's designated agent convicted for making false statements on a rental permit application, and/or informational disclosure and acknowledgment form.

A rental permit shall be revoked for not less than one year beginning from the date of the Director's decision or a court ruling on a Municipal infraction.

11. Reinstatement Of Rental Permit:

- a. Suspended Permit: A suspended permit shall be reinstated upon completion of the suspension period and execution of a property management action plan.
- b. Revoked Permit: An application for a new permit may be made after one year from the date revocation was effective. The application shall be processed in the same manner as an initial rental permit application, and requires execution of a property management action plan.
- c. Transfer Of Ownership: Transfer of ownership does not modify or alter any sanction imposed unless approved by the City or unless the transfer is an arm's length transaction between disinterested parties as determined by the City. (Ord. 03-4082, 4-20-2003)

12. Exemption: Notwithstanding any other provision herein, the rental permit sanctions are inapplicable to victims of abuse or crime as provided in HF 493 (2016) to be codified at section 562A.27B of the Iowa Code. (Ord. 16-4669, 7-19-2016)

13. Temporary Rental Permits: The City may issue a temporary rental permit for a maximum of twenty four (24) months if the owner is an individual: a) 1) who has been occupying the dwelling; 2) who intends to return to the dwelling; and 3) whose absence is due to a sabbatical, an extended vacation, spending winter months in a warmer climate, military service, a volunteer commitment, employment, or substantially similar reason; or b) who occupied the dwelling at the time of death and the owner's heir(s) occupies or intends to occupy the dwelling. (Ord. 17-4734, 12-19-2017, eff. 1-1-2018)

D. Hearing Upon Denial Of Certificate Or Permit: Any person whose application for a certificate of structure compliance or rental permit has been denied may request, and shall be granted, a hearing on the matter before the Appeals Board. Application for the appeal hearing must be made within ten (10) calendar days of receipt of the written notice of denial. (1978 Code §17-4; amd. 1994 Code)

E. Rental Permit Cap:

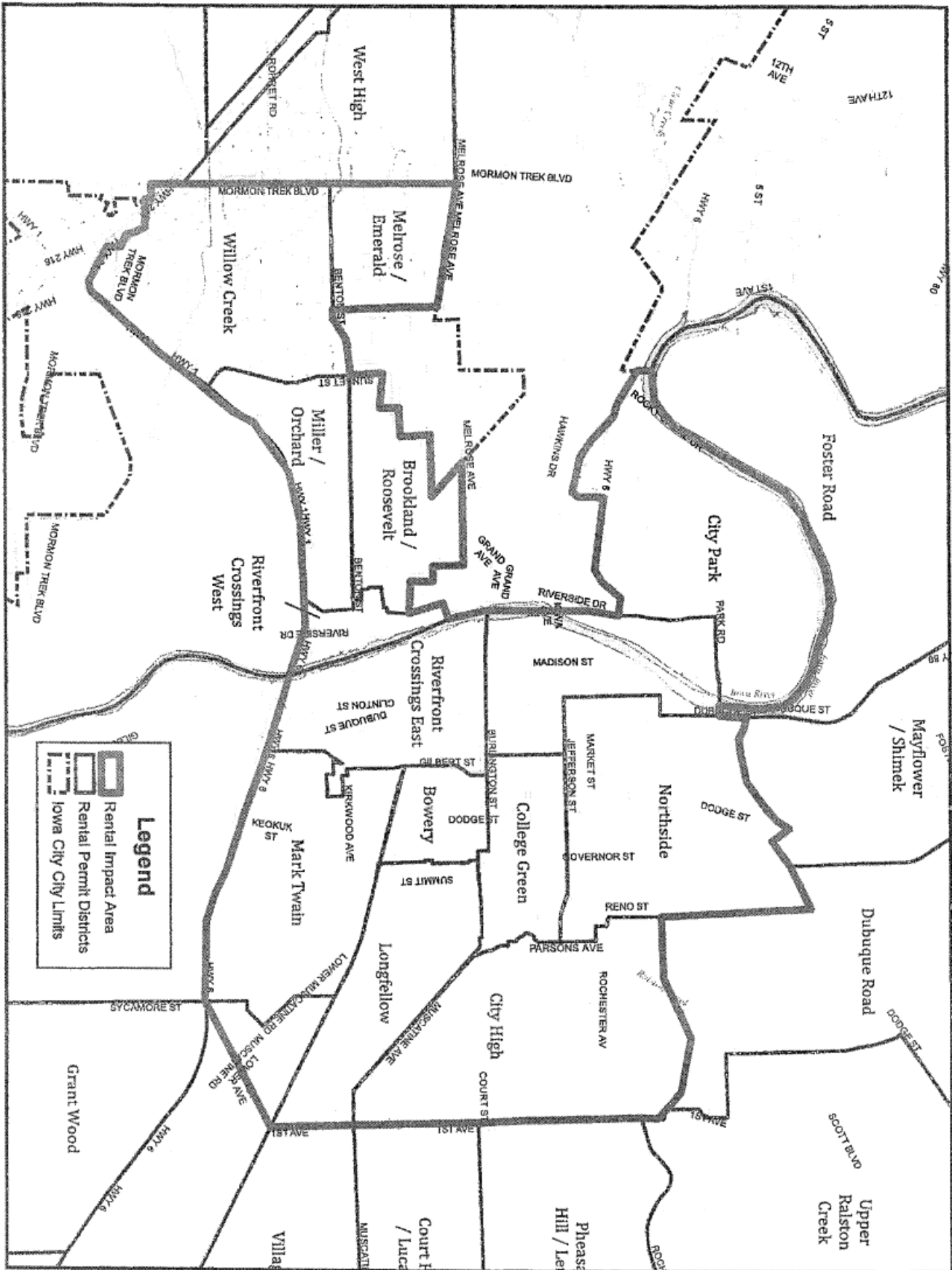
1. Definitions:

RENTAL IMPACT AREA: Means the geographic area delineated as such on the Rental Impact Area Map in figure 17-1 of this section.

RENTAL PERMIT DISTRICT: Means the geographic districts labelled and delineated on the Rental Impact Area Map in figure 17-1 of this section.

## FIGURE 17-1

### RENTAL IMPACT AREA MAP



2. Permits Limited: Within the rental impact area, the City shall not issue a rental permit for any single-family dwelling or duplex in a rental permit district where the percentage of single-family dwellings and duplex units that have rental permits exceeds thirty percent (30%) of the total number of single-family and duplex units within said rental permit district, except as provided herein. This limit shall be known as the rental permit cap.

3. Exceptions To The Rental Permit Cap:

- a. Dwelling with a rental permit on the effective date of this subsection E.

- b. Dwelling with a rental permit that expired after December 13, 2015 if a renewed rental permit is issued before July 1, 2018.
- c. Existing legally nonconforming single-family dwellings and duplex units located within a zoning district where single-family dwellings and duplex units are not an allowed use.
- d. Accessory dwelling units.
- e. Owner-occupied duplexes, where the owner occupies one unit and leases out the second unit.
- f. Approved bed and breakfast homestays and inns.
- g. Dwelling with a temporary rental permit.
- h. Group household as defined in title 14 of this Code.
- i. A new single-family dwelling or duplex if a building permit was issued before June 13, 2017.
- j. An existing single-family dwelling or duplex if a building permit was issued after December 13, 2015 and before June 13, 2017.

4. Board Of Appeals: Notwithstanding any other provision of this chapter, the Board of Appeals does not have the authority to grant an exception, variance, or any other relief to the rental permit cap. (Ord. 17-4734, 12-19-2017, eff. 1-1-2018)

**17-5-17: MINIMUM STRUCTURE STANDARDS FOR ALL DWELLINGS:**

A. Safety Of Supplied Facility: Every supplied facility, piece of equipment or required utility shall be constructed and/or installed so that it will function safely.

B. Kitchens: Every dwelling unit shall have a kitchen room or kitchenette equipped with the following:

- 1. An approved kitchen sink.
- 2. Space capable of properly accommodating a refrigerator and a stove or range.
- 3. Proper access terminals to utilities necessary to properly operate a refrigerator and stove or range.
- 4. Adequate space for the storage and preparation of food.

C. Toilets, Baths And Lavatories:

1. Every dwelling unit shall contain the following:

- a. A toilet.
- b. A bath.
- c. A lavatory basin within or adjacent to the room containing the toilet.

2. Every toilet and every bath shall be contained within a room or within separate rooms which afford privacy for a person within said rooms. (1978 Code §17-5; amd. 1994 Code)

D. Water Heating Facilities: Every kitchen sink, bath and lavatory basin required in accordance with the provisions of the housing code shall be properly connected with supplied water heating facilities. Every supplied water heating facility shall be properly connected and shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every kitchen sink and lavatory basin required under the provisions of the housing code at a temperature of not less than one hundred ten degrees Fahrenheit (110°F) (43°C). Such supplied water heating facilities shall be capable of meeting the requirements of this section when the required space heating facilities are not in operation. (Ord. 08-4315, 9-9-2008)

E. Connection Of Sanitary Facilities To Water And Sanitary Sewer Systems: Every kitchen sink, toilet, lavatory basin, bath and clothes washer shall be properly connected to an approved water and sanitary sewer system.

F. Exits:

1. Every structure containing a dwelling unit or dwelling units or structure containing a rooming unit or rooming units or a combination thereof shall comply with the following exit requirements:

- a. Every structure or usable portion thereof shall have at least one exit.
- b. Single-family and duplex structures over three thousand (3,000) square feet in gross floor area shall have access to two (2) exits.
- c. Multiple dwellings and rooming houses with an occupant load of ten (10) or more shall have access to two (2) exits.
- d. Where only one exit is required, it shall be a continuous and unobstructed means of egress which discharges directly or via corridors or stairways to a public way. (1978 Code §17-5; amd. 1994 Code)

e. Where at least two (2) exits are required, they shall be independent, unobstructed means of egress remote from each other, and both shall discharge directly or via corridors or stairways or both to a public way or yard. If both means of egress are designated to a common corridor, they shall be in opposite directions immediately upon exiting the dwelling unit or rooming unit, except a common path of travel may be permitted for the first twenty feet (20'). Dead end corridors shall not exceed twenty feet (20') in length. Any existing fire escape shall not be deemed a sufficient means of egress unless it is in compliance with appendix A of this chapter. Any new fire escape must meet the requirements of the city building and fire codes. (Ord. 08-4315, 9-9-2008)

f. Basements and floors above the second story shall have not less than two (2) exits, except when such floors or basements are used exclusively for the service of the building. Dwelling units and/or rooming units in a basement may have access to only one common exit when the occupant load served by that exit does not exceed ten (10). Escape and rescue window(s) must be supplied for each sleeping room. Such window(s) shall comply with the building code specifications. Existing third floor and attic areas less than five hundred (500) square feet may be used as habitable rooms if the following conditions are met: 1) one exit fully meets building code requirements to the outside of the building; 2) the other exit can be an attic fire escape. If access to the attic fire escape is through a window, such window must meet the building code requirements for escape and rescue windows.

g. Every doorway providing ingress or egress from any dwelling unit, rooming unit or habitable room shall be at least six feet, four inches high and two feet, four inches wide (6'4" x 2'4").

2. Every means of egress shall comply with the following requirements:

a. Stairways: All stairways comprised of four (4) or more risers shall be provided with a substantial and safe handrail. New construction or remodeling shall comply with the city building code.

b. Guardrails: All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies or porches which are more than thirty inches (30") above grade or above the floor below and any roof used for other than service of the building shall be protected by a substantial and safe guardrail. New construction or remodeling shall comply with the city building code.

c. Riser And Tread: Every stairway shall have a uniform riser height and uniform tread width which shall be adequate for safe use. (1978 Code §17-5; amd. 1994 Code)

d. Exits: Doors and windows readily accessible from outside the unit shall be lockable from inside the unit. Double cylinder deadbolts may not be used on doors located in habitable areas or on any exit door. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. (Ord. 95-3681, 6-27-1995)

e. Escape Window: In basement units where one means of egress is a window, such window shall have an unobstructed opening no less in area than that required in the building and/or fire codes. (1978 Code §17-5; amd. 1994 Code)

G. Natural Light:

1. Every habitable room, except a kitchen, shall have at least one window or skylight facing directly to the outdoors. The minimum total glazed window or skylight area, for every habitable room, except the kitchen, shall be at least eight percent (8%) of the floor area of such room.

2. For the purpose of determining natural light and natural ventilation requirements, any room may be considered as a portion of an adjoining room when one-half ( $\frac{1}{2}$ ) of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth ( $\frac{1}{10}$ ) of the floor area of the interior room or twenty five (25) square feet, whichever is greater.

H. Ventilation:

1. Interior Air Quality: Every dwelling unit and rooming unit shall be free from dangerous levels of air pollution from carbon monoxide, sanitary sewer gas, fuel gas, dust and other harmful air pollutants.

2. Natural Ventilation:

a. Every window or other device with openings to the outdoor space, used for ventilation, shall be supplied with screens of not less than sixteen (16) mesh per inch. (1978 Code §17-5; amd. 1994 Code)

b. The total openable window area, as measured between stops, in every habitable room shall be equal to at least four percent (4%) of the floor area of such room. (Ord. 95-3681, 6-27-1995)

c. Every door opening directly from a dwelling unit or rooming unit to outdoor space, the use of which is necessary to meet the minimum ventilation requirements of this code, shall have a supplied screen or screens and a self-closing device.

d. Every cellar window, soffit or roof vent used or intended to be used for ventilation and every other opening to a cellar, crawl space or interior roof area which might provide an entry for rodents or birds shall be supplied with a heavy wire screen of not larger than one-fourth inch ( $\frac{1}{4}$ " mesh or such device as will effectively prevent entrance.

e. For natural ventilation, every bathroom or toilet compartment shall have at least one openable window facing directly to the outdoors and at least forty five percent (45%) of the window must be openable.

3. Mechanical Ventilation:

a. In lieu of openable windows for natural ventilation, adequate ventilation may be a system of mechanical ventilation which provides not less than two (2) air changes per hour in all habitable rooms and/or bathrooms or toilet compartments.

b. No mechanical exhaust system, exhausting vapors, gases or odors shall be discharged into an attic, crawl space or cellar unless such attic, crawl space or cellar is adequately vented to the outside.

c. Any kitchen or kitchenette lacking natural ventilation shall be equipped with a system of mechanical ventilation which provides at least two (2) air changes per hour in said room. The system shall exhaust and discharge directly to outside air.

I. Heating:

1. Every dwelling shall have heating facilities which are properly installed and are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein to a temperature of at least sixty eight degrees Fahrenheit (68°) (20°C) and shall be capable of maintaining in all said locations a minimum temperature of sixty five degrees Fahrenheit (65°) (18°C) at a

distance of three feet (3') above the floor level at all times. Such heating facilities shall be so designed and equipped that heat, as herein specified, is available for all dwelling units and rooming units.

2. Every central heating unit, space heater, water heater and cooking appliance shall be located and installed in such a manner so as to afford reasonable protection against involvement of egress facilities or egress routes in the event of uncontrolled fire in the structure.

3. Every fuel burning heating unit or water heater shall be effectively vented in a safe manner to a chimney or duct leading to the exterior of the building. The chimney, duct and vent shall be of such design as to assure proper draft and shall be adequately supported. (1978 Code §17-5; amd. 1994 Code)

4. No fuel burning appliance shall be located within any sleeping room or bathroom unless provided with adequate ducting for air supply from the exterior, and the combustion chamber for such heating unit shall be sealed from the room in an airtight manner.

5. Every steam or hot water boiler and every water heater shall be protected against overheating by appropriate pressure and temperature limit controls. Such controls shall have a properly installed extension pipe on the pressure relief valve. (Ord. 08-4315, 9-9-2008)

6. Every fuel burning space heating unit and water heater shall be equipped with an electronic ignition or with a pilot light and an automatic control to interrupt the flow of fuel to the unit in the event of a failure of the ignition device. All such heating units shall have a limit control to prevent overheating.

J. Electrical Requirements:

1. Every habitable room shall contain at least two (2) separate floor type or wall type electric double convenience outlets which shall be situated a distance apart equivalent to at least twenty five percent (25%) of the perimeter of the room. Every such outlet and fixture shall be properly installed.

2. Every habitable room, toilet room, bathroom, laundry room, furnace room, basement and cellar shall contain at least one supplied ceiling type or wall type electric light fixture or switched outlet. Every such outlet and fixture shall be properly installed.

3. Temporary wiring or extension cords shall not be used as permanent wiring. (1978 Code §17-5; amd. 1994 Code)

K. Minimum Space, Use And Location Requirements:

1. Floor Area Per Occupant:

a. Every dwelling unit shall contain at least one hundred twenty (120) square feet of habitable floor space for the first occupant thereof and at least one hundred (100) additional square feet of habitable floor space for every additional occupant thereof.

b. The floor area of that part of a room where the ceiling height is less than five feet (5') shall not be considered when computing the total floor area of the room. (Ord. 17-4734, 12-19-2017, eff. 1-1-2018)

2. Maximum Occupancy: (Rep. by Ord. 17-4734, 12-19-2017, eff. 1-1-2018)

3. Sleeping Rooms: In every dwelling unit of two (2) or more rooms and every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least forty (40) square feet of floor space for each additional occupant thereof, except two (2) bedroom manufactured housing shall be required to have only one bedroom in compliance with this section.

4. Ceiling Height: The ceiling height of every habitable room shall be at least seven feet (7').

a. In any habitable room where the ceiling is a part of a sloping roof, at least one-half ( $\frac{1}{2}$ ) of the floor area shall have a ceiling height of at least seven feet (7'). "Floor area", as stated above, shall mean the area of the floor where the vertical measurement from floor to ceiling is five feet (5') or more.

b. Obstructions of space by such items as water and gas pipes and cabinetry shall be permitted when such obstructions are located within two feet (2') of a partition or wall, do not interfere with normal ingress and egress, would not interfere with an emergency ingress or egress and are approved by the inspector. Obstruction of ceiling space shall be permitted when such obstruction is located at a height of not less than six feet four inches (6'4") from the floor and which does not occupy more than twenty five percent (25%) of the cubic area of the space within a room further than six feet four inches (6'4") from the floor. (1978 Code §17-5; amd. 1994 Code)

L. Fire Protection Equipment: All fire extinguishers and early warning fire protection systems shall be properly installed according to the City Fire, Building and Housing Codes. (Ord. 08-4315, 9-9-2008)

Notes

- <sup>1</sup> 1. See section 17-5-23 , appendix A of this chapter.

**17-5-18: MINIMUM STRUCTURE STANDARDS FOR ALL RENTAL HOUSING:**

A. Direct Access: Access to each dwelling unit or rooming unit shall not require first entering any other dwelling unit or rooming unit, except access to rooming units may be through a living room or kitchen of a unit occupied by the owner-operator of the structure. No dwelling, dwelling unit or rooming unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room or type III dwelling unit is available only by going through another sleeping room or type III dwelling unit, nor shall room arrangements be such

that access to a sleeping room or type III dwelling unit is available only by going through another sleeping room or type III dwelling unit. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hallway, basement, cellar or to the exterior of the dwelling unit or rooming unit. (1978 Code §17-6; amd. 1994 Code)

B. Lighting Of Public Halls And Stairways:

1. Public passageways and stairways in dwellings accommodating two (2) dwelling units or rooming units shall be provided with a convenient wall mounted light switch(es) which activates an adequate lighting system.

2. Public passageways and stairways in buildings accommodating three (3) or more dwelling units or rooming units shall be lighted at all times with an artificial lighting system, in accordance with the City Building Code.

C. Fire Extinguishers: Fire extinguishers which are approved by the Fire Marshal shall be provided within every single-family dwelling, dwelling unit within a duplex and dwelling unit within a multiple dwelling. Multiple dwellings shall have fire extinguishers located within each laundry room and central mechanical room; except where these rooms are contiguous, they may be served by one fire extinguisher. Laundry rooms and central mechanical rooms which are equipped with an automatic sprinkler system are exempt. The minimum size fire extinguisher is a five (5) pound 2A 10BC. Fire extinguishers must be properly mounted and in an area of easy access. Rooming houses are required to have a five (5) pound 2A 10BC rated fire extinguisher supplied on each floor level, including habitable basement areas, and in each kitchen. Fire extinguishers supplied in areas of public access shall be contained within an approved tamperproof cabinet.

D. Early Warning Fire Protection System:

1. All dwelling units and rooming units shall be provided with smoke detectors as approved by the Fire Marshal. Smoke detectors shall be installed in accordance with the manufacturer's instructions. Dwelling units shall have smoke detectors located on each floor level, including basements, in each bedroom, and hallways serving bedrooms. Multi-family and rooming houses shall have smoke detectors in common corridors, stair towers and stairways constructed prior to 1978. Smoke detectors shall be operable at all times, and when actuated, the detector shall provide an alarm for the dwelling unit(s) or rooming unit(s). An owner or owner's agent of a multiple unit residential building, rooming house, duplex or single-family dwelling shall supply light emitting smoke detectors, upon request, for a tenant with a hearing impairment. New construction and remodeling shall be in accordance with the City Building Code.

2. Newly constructed dwellings with four (4) or more bedrooms shall have interconnected smoke alarms (hardwired or wireless). Existing dwellings that add one or more bedrooms shall have interconnected smoke alarms (hardwired or wireless).

E. Toilets, Lavatory Basins And Baths:

1. At least one toilet and one lavatory basin shall be supplied for each eight (8) persons or fraction thereof residing within a dwelling containing a rooming unit or units and/or type III dwelling unit or units, including members of the operator's family whenever they share the said facilities, provided in a rooming house or where rooms or type III dwelling units are let only to males, flush urinals may be substituted for not more than one-half ( $\frac{1}{2}$ ) of the number of required toilets.

2. At least one bath shall be supplied for each eight (8) persons or fraction thereof residing within a dwelling containing a rooming unit or units and/or type III dwelling unit or units, including members of the operator's family whenever they share the use of said facilities.

3. Communal toilets and baths shall be located on the same floor or the floor immediately above or below the rooming unit or type III dwelling unit. (1978 Code §17-6; amd. 1994 Code)

F. Lead Based Paint: Every owner or operator of a dwelling unit or rooming unit being let for rent and/or occupancy shall certify that the dwelling is in accordance with HUD lead based paint regulations, 24 CFR, part 35, issued pursuant to the Lead Based Paint Poisoning Prevention Act, as amended.

G. Communal Kitchens: If a communal kitchen is supplied, it shall comply with the following requirements:

1. The minimum floor area of a communal kitchen shall be sixty (60) square feet.
2. The minimum floor area of a communal kitchen in which roomers are permitted to prepare and eat meals shall be one hundred (100) square feet.
3. It shall contain a refrigerator with an adequate food storage capacity.
4. It shall contain an approved kitchen sink.
5. It shall contain a stove or range.
6. It shall include at least one cabinet of adequate size suitable for the storage of food and eating and cooking utensils.
7. It shall contain at least six (6) square feet of surface area easily cleanable and suitable for the preparation of food.
8. It shall contain a table and adequate chairs for the normal use of the facilities if a communal dining room is not supplied.
9. Every communal kitchen shall be located within a room accessible to the occupants of each rooming unit sharing the use of such kitchen, without going outside the dwelling and without going through a dwelling unit or rooming unit of another occupant.

H. Communal Dining Rooms: Every dwelling or rooming house, within which the occupant of any rooming unit is permitted to prepare meals or cook within a communal kitchen containing less than one hundred (100) square feet of floor area, as provided in subsection G of this section, shall contain a communal dining room which complies with all of the following requirements:

1. Every communal dining room shall be located on the same floor of the rooming house as the communal kitchen, and such



dining room shall be as nearly adjacent to the communal kitchen as is practicable.

2. Every communal dining room shall be located within a room accessible to the occupants of each rooming unit sharing such dining room, without going outside the dwelling and without going through a dwelling unit or rooming unit of another occupant.

3. It shall contain a table and adequate chairs for the normal use of the facilities.

4. Every communal dining room shall contain not less than seventy (70) square feet of floor area.

I. Shades, Draperies And Window Coverings:

1. Every window in rooms used for sleeping purposes in rooming units and furnished dwelling units shall be supplied with shades, draperies or other devices or materials which, when properly used, will afford privacy to the occupants.

2. Every window in rooms used for sleeping purposes in unfurnished dwelling units shall be supplied with hardware necessary to support shades, draperies or other devices or materials which, when properly used, will afford privacy to the occupants.

J. Kitchen Stoves And Refrigerators: Kitchens or kitchenettes in multiple dwellings, rooming houses and duplexes shall be supplied with a stove or range and a refrigerator by the owner or operator.

K. Tie Downs: In the case of manufactured housing, the housing shall be securely anchored by a tie down device which distributes and transfers the load posed by the unit to appropriate ground anchors so as to resist wind overturning and sliding. (1978 Code §17-6; amd. 1994 Code)

L. Bedrooms; Maximum Allowed: Bedrooms cannot exceed thirty five percent (35%) of the finished floor area of a single-family dwelling or duplex unit, not including floor area of a recreation room in the basement. Any existing single family or duplex unit that contained lawful bedroom space that exceeded this percentage cap prior to January 1, 2018 may continue to be used as bedroom space. However, additional bedroom space may not be added unless the unit is brought into full compliance with this standard. This dimensional standard is subject to administrative review.

M. Bedrooms; Minimum Size: Bedrooms shall have a minimum of one hundred (100) square feet of total floor area. The floor area of that bedroom where the ceiling height is less than five feet (5') shall not be considered when computing the total floor area of the bedroom. These dimensional requirements are subject to administrative review. Any lawful bedroom/sleeping room greater than or equal to seventy (70) square feet in existence prior to January 1, 2018 may continue to be used as a bedroom/sleeping room. However, if and when it is brought into compliance with the current minimum dimensional requirements, it may not be converted back to a substandard size.

N. Dimensional Requirements: Within household living uses, as defined in title 14 of this Code, a minimum of one hundred (100) square feet of shared living space shall be provided for every bedroom within the dwelling unit. By way of illustration, for a two-bedroom single-family dwelling, there must be at least two hundred (200) square feet of shared living space within the dwelling. Any lawful dwelling unit in existence prior to January 1, 2018 that is not in compliance with this provision may continue as currently configured. However, if and when the shared living space is brought into compliance with the current minimum dimensional requirements, it may not be converted back to a substandard size. Any change that would increase the noncompliance with this provision is not allowed. This dimensional requirement is subject to administrative review.

O. Duplex; Units To Be Separated: The two (2) dwelling units of a duplex must be physically and permanently separated, and the separation must be continually maintained. By way of illustration, a duplex shall not have a door that opens from one duplex unit directly into the other duplex unit.

P. Deadbolt Locks Required: Every dwelling unit and rooming unit shall have a deadbolt lock that can be operated from inside and locked from the outside. "Deadbolt" means a locking mechanism where the bolt cannot be moved to an open position except by rotating the locked cylinder.

Q. Improved Surface In Rear Yard; Restrictions: After November 21, 2017, an improved surface shall not be constructed, installed, or established on the rear yard of a single-family dwelling or a duplex, except within the first twenty feet (20') of lot depth as measured from the rear lot line and setback at least five feet (5') from abutting properties. The remainder of the rear yard shall remain landscaped open space, free of impervious surface. This provision shall not apply to allowed accessory structures. Rear yard shall have the meaning as defined in title 14 of this Code. Improved surface means asphaltic cement concrete, Portland cement concrete, manufactured paving materials (such as brick), or similar hard surface.

R. Administrative Review: In an administrative review, the Director or designee may grant a minor adjustment to the dimensional requirement if in conformance with the purposes of this chapter. Minor adjustments shall be noted in the property file maintained by the Neighborhood and Development Services Department.

S. Regulation Of Noncompliant Situations:

1. Existing single family dwellings and duplex units that are noncompliant with the open space requirement set forth in sections 14-2A-4 and 14-2B-4 of this Code, may not be enlarged unless the subject property is brought into compliance with said standard.

2. Existing single family dwellings and duplex units that are noncompliant with the number of required parking spaces are allowed an occupancy of no less than three (3) adults or in the case of a one-bedroom unit, two (2) adults.

3. Prior to issuance of a new rental permit for a single family dwelling or two-family dwelling unit, the property must be brought into compliance with the open space requirement and the required number of parking spaces. If it is not feasible to fully meet the parking standards due to existing buildings on the property, occupancy will be limited according to subsection S2 of this section. In cases where it is not feasible to fully meet the open space standard due to existing buildings on the property, occupancy is limited to one adult per one hundred (100) square feet of usable open space provided, but may be further limited based on other factors, such as available parking.

T. Radon Testing: This provision applies to all applications for new rental permits filed on or after July 1, 2021 and all renewals of rental permits that expire on or after July 1, 2021

1. All single-family and duplex units shall be tested for radon.

2. Radon test or tested means a test performed by a radon measurement specialist certified by the State of Iowa. Radon mitigation system means a system installed by a radon mitigation specialist certified by the State of Iowa.

3. If the radon test result is less than four (4) picoCuries per liter (pCi/L), the unit shall be retested in eight (8) years unless there is a habitable bedroom in the basement. If the test result is less than four (4) picoCuries per liter (pCi/L) and there is a habitable room in the basement, the unit shall be retested in four (4) years.

4. If the test result is equal to or greater than four (4) picoCuries per liter (pCi/L), a radon mitigation system shall be installed and the unit tested within ninety (90) days, unless the director or designee provides an extension in writing for good cause. After the radon mitigation system is installed, the unit shall be retested every eight (8) years thereafter.

5. If the unit has an existing radon mitigation system on July 1, 2020, the unit shall be tested within eight (8) years of the date the last radon test was performed.

6. Notwithstanding any other provision herein, a prior radon test will be accepted if the radon test was performed within two (2) years of the filing of the application for a new rental permit or within two (2) years of the expiration of the expired permit. The unit shall be tested within eight (8) years of the date that the prior radar test was performed.

7. The owner shall provide a copy of all radon test results to the City. (Ord. 08-4315, 9-9-2008; amd. Ord. 17-4734, 12-19-2017, eff. 1-1-2018; Ord. 18-4744, 4-2-2018; Ord. 19-4816, 12-17-2019)

### **17-5-19: RESPONSIBILITIES OF OWNERS RELATING TO THE MAINTENANCE AND OCCUPANCY OF PREMISES:**

#### **A. Maintenance Of Structure:**

##### **1. Structure:**

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

b. Every structure shall be maintained in compliance with section 661 chapter 5 of the Iowa Administrative Code ("State Fire Code"), as amended, and the Building Codes in effect at the time the building was constructed. If the use or occupancy is changed compliance with currently adopted codes is required.

c. The required occupancy separations shall be provided and maintained in all structures having mixed or multiple occupancies. The one hour occupancy separation between dwellings and garages shall be provided regardless of the date of construction and may be limited to the installation of materials approved for one hour fire resistive construction on the garage side and a tightfitting, twenty (20) minute rated door or approved equivalent opening protection as required by the City Building Code.

##### **2. Exterior:**

a. Condition: Every foundation, floor, exterior wall, exterior door, window and roof shall be maintained in a weathertight, watertight, rodentproof and insectproof condition. (1978 Code §17-7; amd. 1994 Code)

b. Exterior Screening: In Historic and Conservation Districts, porches and decks less than five feet (5') above grade and visible from the right-of-way shall have under porch and under deck screening. The screening shall be required to be complementary to the dwelling as approved by the City.

3. Doors: Every door, door hinge, door latch, door lock or any associated door hardware shall be maintained in good and functional condition, and every door, when closed, shall fit well within its frame.

4. Windows: Every window, existing storm window, window latch, window lock, aperture covering and any associated hardware shall be maintained in good and functional condition and shall fit well with its frame.

5. Interior: Every interior partition, wall, floor, ceiling and other interior surface shall be maintained so as to permit it to be kept in a clean and sanitary condition. All building interior public and service areas shall be maintained in a sanitary condition.

B. Accessory Structure: Every foundation, exterior wall, roof, window, exterior door and appurtenance of every accessory structure shall be so maintained as to prevent the structure from becoming a harborage for vermin and shall be maintained in a good state of repair.

C. Rainwater Drainage System: All gutters, downspouts and associated or other roof drainage equipment on the premises shall be maintained in a good state of repair and so installed as to direct water away from the structure(s). All cisterns or similar water storage facilities shall be securely covered or protected.

D. Grading, Drainage And Landscaping Of Premises: Every premises shall be graded and maintained so as no stagnant water will accumulate or stand thereon. Every premises shall be graded and drained in a manner to cause the flow of rainwater or other surface water away from the structure(s). Every premises shall be continuously maintained by suitable landscaping with grass, trees, shrubs, planted ground cover or other landscaping materials. Landscaping shall be designed and maintained to prevent erosion and control dust. This chapter shall not affect the existence of approved stormwater detention systems<sup>2</sup>.

E. Chimneys And Flue Piping: Every chimney and all flue piping shall be adequately supported, maintained clean and in a good state of repair. (1978 Code §17-7; amd. 1994 Code)

F. Exterior Surfaces:

1. All exterior painted surfaces of a dwelling and its accessory structures, fences, porches and similar appurtenances shall be painted in a uniform, color consistent, and complete fashion. All painted surfaces shall be properly prepped to allow for paint to adhere and remain painted regardless if items are subject to decay or deterioration. (Guidelines for the removal of lead based paint are located in section 17-5-23, appendix B of this chapter.)

2. All exterior surfaces, regardless of material composition, shall be maintained in a good, safe, and sanitary condition.

3. In historic and conservation districts, bare treated lumber is a prohibited finish for wood surfaces visible from the street.

G. Exits:

1. Every means of egress shall be maintained in good condition and shall be free of obstruction at all times. Fire escapes, exit corridors, exit stairways and escape and rescue windows and any other means of egress shall be maintained in a good state of repair at all times. Exit signs, emergency lighting, early warning systems and sprinkler systems shall be maintained in good condition at all times. Required fire doors shall be maintained self-closing and self-latching as required by the city building code.

2. Fire drills shall be conducted once per academic semester for all fraternities and sororities as approved by the fire department 3 .

H. Screens And Storm Windows: On structures having interchangeable storm windows and screens, the owner or operator of the premises shall be responsible for hanging all screens and storm windows, except when written agreement between the owner and the occupant provides otherwise. Screens shall be provided no later than May 1 of each year, and storm windows shall be provided no later than November 1 of each year. All windows manufactured to be operable for ventilation shall be provided with screens of not less than sixteen (16) mesh per square inch. However, windows in areas not accessible to tenants or areas which are exclusively service areas shall be exempted from screen requirements. All single pane windows which serve habitable rooms and bathrooms shall be provided with storm windows. (1978 Code §17-7; amd. 1994 Code)

I. Electrical System: The electrical system of every dwelling or accessory structure shall not, by reason of overloading, dilapidation, lack of insulation, improper fusing or for any other cause, expose the occupants to hazards of electrical shock or fire, and every electrical receptacle, switch and fixture shall be complete as manufactured and maintained in a good and safe working condition. Only approved extension cords and multiplug adapters or other devices approved by the inspector shall be allowed. All electrical wiring newly installed or replaced shall be in compliance with the city electrical code. All receptacles in kitchens and bathrooms shall have ground fault circuit interrupter for personnel.

J. Plumbing System: Every supplied plumbing fixture, water piping and waste piping shall be maintained in a good and sanitary condition. All plumbing installed or replaced shall be so designed as to prevent contamination of the water supply through backflow, back siphonage or cross connection. All plumbing newly installed or replaced shall be in compliance with the city plumbing code. A minimum water pressure of fifteen (15) pounds shall be maintained to all open outlets at all times.

K. Gas Piping And Appliances: All gas piping shall be properly installed, properly supported and shall be maintained free of leaks, corrosion or obstruction so as to reduce gas pressure or volume. Every gas appliance shall be connected to a gas line with solid metal piping or approved listed metal appliance connector preceded by an approved listed shutoff valve. Gas pressure shall be adequate to permit a proper flow of gas from all open gas valves at all times. All gas piping shall be in compliance with the city plumbing code.

L. Heating And Cooling Equipment: The heating equipment of each dwelling shall be maintained in good and safe working condition and shall be capable of heating all habitable rooms, bathrooms and toilet rooms located therein to the minimum temperature required by this code. Supplied cooling equipment shall be maintained in a good and safe working condition. However, heating and supplied cooling equipment shall not be required to be maintained in operational condition during that time of the year when said equipment is not normally used. No combustible material shall be stored within three feet (3') of a fuel burning furnace and/or fuel burning hot water heater. Carbon monoxide alarms shall be provided in dwelling units which contain fuel fired appliances or have an attached garage with an opening that communicates with the dwelling unit.

M. Kitchen And Bathroom Flooring: Every toilet room, bathroom and kitchen floor surface shall be constructed and maintained so as to permit such floor to be easily kept in a clean, dry and sanitary condition.

N. Supplied Facilities:

1. Every facility, utility and piece of equipment required by this code, including a radon mitigation system, and/or present in the unit and/or designated for the exclusive use of the occupants of said unit, at the time that either the rental agreement is signed or possession is given, shall function safely and shall be maintained in proper working condition. Maintenance of facilities, utilities and equipment not required by this code shall be the owner's responsibility unless stated to the contrary in the rental agreement.

2. No supplied facility, including a radon mitigation system, shall be removed, shut off or disconnected from any occupied dwelling unit or rooming unit except for such temporary interruption(s) as may be necessary while actual repairs, replacements or alterations are being made.

O. Equipment Rooms: Boiler rooms, mechanical rooms and electrical panel rooms shall not be used for the storage of combustible material or equipment. A minimum three foot (3') clearance shall be maintained in front of electrical panels and disconnects.

P. Pest Extermination: Whenever infestation exists in two (2) or more dwelling units or rooming units of any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units or more than one rooming unit, the extermination thereof shall be the responsibility of the owner. (1978 Code §17-7; amd. 1994 Code)

Q. Fire Protection:

1. All fire extinguishing devices and all early warning fire protection systems shall be maintained in good working condition at all times. All fire protection equipment and early warning equipment shall be maintained in compliance with the city fire code and subsections 17-5-18C and D of this chapter. Buildings which are required to have an automatic fire alarm system shall have that alarm system tested annually by a qualified alarm technician to certify that the alarm system is in compliance with the current standard of NFPA 72, as amended. Buildings which are required to have an automatic sprinkling system shall have that system tested biennially by a qualified sprinkler system technician to certify that the system is in compliance with the current standard of NFPA chapter 25, as amended.

2. Approved numbers or addresses shall be placed on all buildings in such a position as to be plainly visible and legible from the public way fronting the property, and from the vehicle access area if vehicle access is from other than the front of the building. Said numbers and letters shall contrast with their background and shall be a minimum of four inches (4") in height. Where access to or within a multi-family structure or any area is unduly difficult because of secured openings or where immediate access is necessary for life saving and firefighting purposes, a key box shall be installed in an approved location. The key box shall be a type approved by the fire chief and shall contain keys and/or access code(s) necessary to gain access. If applicable, a key switch may be installed in an approved location.

R. Guardrails And Handrails: All guardrails and handrails shall be maintained in a safe and sound condition at all times. Guardrails shall be provided where there is an abrupt elevation change exceeding thirty inches (30") adjacent to pedestrian areas. Guardrails and handrails which are newly installed or replaced shall comply with the city building code.

S. Sealed Passages: All pipe passages, chutes and similar openings through walls, floors or ceilings shall be adequately closed or sealed to prevent the spread of fire or the passage of vermin.

T. Trees And Plant Materials: All trees and plant materials shall be maintained in a manner which prevents damage or decay to a structure(s). Trees required by the Iowa City tree ordinance shall be maintained 4 .

U. Clean Units: No owner or operator shall permit occupancy of any vacant dwelling unit or rooming unit unless it is clean, safe, sanitary and fit for human occupancy. (1978 Code §17-7; amd. 1994 Code)

V. Exterior Area Maintenance:

1. a. Maintenance Responsibility: Every owner or operator shall be responsible for maintaining the exterior areas in a safe, clean and sanitary condition. (1978 Code §17-7; amd. 1994 Code)

b. Outdoor Storage: The storage of trash bags, landscaping, construction, or compost material or any other similar materials determined by the city to create a substantial interference with the use of enjoyment of the property shall not be permitted in areas visible from the street facing right of way.

2. Fences, screening, and retaining walls shall be maintained in a safe, structurally sound manner and shall comply with the Iowa City zoning ordinance. All wood or painted surfaces shall be painted and/or stained in a uniform, color consistent, and complete fashion. All other surfaces shall be maintained in a uniform, color consistent, and complete fashion. At the discretion of the director of neighborhood and development services or designee, landscaping timbers and other related items may be exempt from this provision.

3. No owner or operator shall keep, store or maintain outdoors any indoor upholstered furniture, household furniture or household furnishing not manufactured for outdoor use, including, but not limited to, upholstered chairs and couches. "Upholstered furniture" means any furniture constructed with stuffing or cushions or springs, not intended for outdoor use. The term "outdoor" includes a porch. However, the use, storage or placement of household appliances, household furniture or household furnishings on a porch is not prohibited if the porch is completely enclosed by fully intact glass or fully intact screens. The following shall constitute an affirmative defense to any alleged violation of this provision: a) that the furniture was temporarily placed outside during the move of a resident; or b) that the furniture was temporarily placed outside during the hours of six o'clock (6:00) A.M. to six o'clock (6:00) P.M. in order that it be offered for sale at a yard or garage sale and that a sign visible from the right of way is placed on or near the furniture indicating that it is for sale. The second defense is not available if the furniture is located outside for more than two (2) days in any six (6) month period.

4. The storage and use of furniture on surfaces thirty inches (30") above grade, which include, but are not limited to, decks and roofs, without guardrails is prohibited.

W. Solid Waste Facilities:

1. Every owner of a dwelling or rental structure shall supply adequate facilities for the disposal of solid waste which are approved by the inspector and/or are in compliance with the Iowa City solid waste ordinance <sup>1</sup> .

2. All solid waste facilities located at multi-family dwellings shall be screened with materials that are complementary to the dwelling as approved by the city.

X. Occupancy Requirements:

1. A dwelling unit shall not be occupied by a number of persons greater than allowed by the Iowa City zoning ordinance. (1978 Code §17-7; amd. 1994 Code)

2. No room shall be used as a habitable room unless certified as a habitable room at the time the certificate of structure compliance is issued or amended.

Y. Cooking In Rooming Units: No owner or operator shall knowingly allow the use of cooking equipment within any rooming unit. (1978 Code §17-7; amd. 1994 Code)

Z. Duplex; Units To Be Separated: The two (2) dwelling units of a duplex must be physically and permanently separated, and the

separation must be continually maintained. By way of illustration, a duplex shall not have a door that opens from one duplex unit directly into the other duplex unit.

AA. Deadbolt Locks Required: Every dwelling unit and rooming unit shall have a deadbolt lock that can be operated from inside and locked from the outside. "Deadbolt" means a locking mechanism where the bolt cannot be moved to an open position except by rotating the locked cylinder. (Ord. 95-3681, 6-27-1995; amd. Ord. 08-4315, 9-9-2008; Ord. 15-4648, 11-10-2015; Ord. 18-4761, 7-17-2018; amd. Ord. 19-4816, 12-17-2019)

#### Notes

1. See also subsection 6-1-2E of this code.
2. See title 16, chapter 3, article G of this code.
3. See section 7-1-2 of this code, amendment to fire code §405.2.
4. See title 10, chapter 8 and title 14, chapter 5, article E of this code.
1. See title 16, chapter 3, article H of this code.

### **17-5-20: RESPONSIBILITIES OF OCCUPANTS RELATING TO THE MAINTENANCE AND OCCUPANCY OF PREMISES:**

#### A. Controlled Area:

1. Every occupant of a dwelling unit or rooming unit shall keep in a clean, safe and sanitary condition that part of the dwelling unit, rooming unit or premises thereof which the occupant occupies and controls.
2. Every floor and floor covering shall be kept reasonably clean and sanitary.
3. Every wall and ceiling shall be kept reasonably clean and free of dirt or greasy film.
4. No dwelling or the premises thereof shall be used for the storage or handling of solid waste.
5. No dwelling or the premises thereof shall be used for the storage or handling of dangerous or hazardous materials. (1978 Code §17-8; amd. 1994 Code)
6. No occupant shall keep, store or maintain outdoors any indoor upholstered furniture, household furniture or household furnishing not manufactured for outdoor use, including, but not limited to, upholstered chairs and couches. "Upholstered furniture" means any furniture constructed with stuffing or cushions or springs, not intended for outdoor use. The term "outdoor" includes a porch. However, the use, storage or placement of household appliances, household furniture or household furnishings on a porch is not prohibited if the porch is completely enclosed by fully intact glass or fully intact screens. The following shall constitute an affirmative defense to any alleged violation of this provision: a) that the furniture was temporarily placed outside during the move of a resident; or b) that the furniture was temporarily placed outside during the hours of six o'clock (6:00) A.M. to six o'clock (6:00) P.M. in order that it be offered for sale at a yard or garage sale and that a sign visible from the right-of-way is placed on or near the furniture indicating that it is for sale. The second defense is not available if the furniture is located outside for more than two (2) days in any six (6) month period. (Ord. 08-4315, 9-9-2008)

B. Plumbing Fixtures: The occupants of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care, proper use and proper operation thereof.

C. Extermination Of Pests: Every occupant of a single-family dwelling shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; every occupant of a dwelling containing more than one dwelling unit or rooming unit shall be responsible for such extermination within the unit occupied whenever said unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a reasonably rodentproof or reasonably insectproof condition, extermination shall be the responsibility of the owner.

D. Storage And Disposal Of Solid Waste: Every occupant of a dwelling shall dispose of solid waste and any other organic waste in a clean and sanitary manner by placing it in the supplied disposal facilities or storage containers required by this Code 1 .

E. Use And Operation Of Supplied Heating Facilities: Every occupant of a dwelling unit or rooming unit shall be responsible for the exercise of reasonable care, proper use and proper operation of supplied heating facilities. No combustible material shall be stored within three feet (3') of a fuel burning furnace and/or fuel burning water heater.

F. Electrical Wiring: No temporary wiring shall be used. Approved extension cords may be used but shall not lie beneath floor coverings or extend through doorways, transoms or similar apertures and structural elements or attached thereto. The occupant shall not overload the circuitry of the dwelling unit or rooming unit.

G. Supplied Facilities: Every occupant of a dwelling unit shall keep all supplied fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care, proper use and proper operation thereof.

H. Cooking Or Eating In Rooming Units: No occupant of a rooming unit shall prepare or eat meals or store cooking utensils in the rooming unit unless an approved kitchen or dining room is contained within the rooming unit. The cooking and eating of meals may take place in dwellings containing a rooming unit or units if the provisions of subsections 17-5-18G and H of this chapter are complied with.

I. Occupancy Control:

1. A dwelling unit shall not be occupied by a number of persons greater than allowed by the city zoning ordinance.
2. No room shall be used as a habitable room unless certified as a habitable room at the time the certificate of structure compliance is issued or amended.

J. Fire Protection Equipment: All fire extinguishers and early warning fire protection systems shall be maintained in good working condition at all times. fire extinguishers shall be mounted and meet the requirements of the city fire code. (1978 Code §17-8; amd. 1994 Code)

Notes

1. See section 16-3H-7 of this Code.

**17-5-21: TITLE 24 OF THE CODE OF FEDERAL REGULATIONS; SECTIONS 882.109(a) THROUGH (I); "HOUSING QUALITY STANDARDS":**

Housing used in this program shall meet the performance requirements set forth in this section. In addition, the housing shall meet the acceptability criteria set forth in this section except for such variations as are proposed by the PHA and approved by HUD. Local climatic or geological conditions or local codes are examples which may justify such variations. The term "this program" shall be interpreted to mean the section VIII housing assistance payments program. Further, in accordance with the code of Iowa, as amended, this section has provided the basis for provisions of the Iowa City housing code.

A. Sanitary Facilities:

1. Performance Requirement: The dwelling unit shall include its own facilities which 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, private room, a fixed basin with 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 Solid Waste 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 solid waste, including facilities for temporary storage where necessary.
2. Acceptability Criteria: The unit shall contain the following equipment in proper operating condition: 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 for the sanitary disposal of food wastes and solid waste, including facilities for temporary storage where necessary, e.g., garbage cans.

C. Space And Security:

1. Performance Requirement: 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 of appropriate size for each two (2) persons. 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 and/or cooling facilities which are in proper operating condition and can provide adequate heat and/or cooling to each room in the dwelling unit appropriate for the climate to assure a healthy living environment. Unvented room heaters which burn gas, oil or kerosene 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 type or wall type light fixture shall be present and working in the bathroom and kitchen area. At least two (2) electrical outlets, one of which may be an overhead light, shall be present and operable in the living area, kitchen area and each bedroom area.

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: Ceilings, walls and floors shall not have any serious defects, such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other serious damage.

The roof structure shall be firm, and the roof shall be weathertight. 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. The condition and equipment of interior and exterior stairways, halls, porches and walkways shall be such as not to present a danger of tripping or falling. Elevators shall be maintained in safe and operating condition. In the case of a manufactured housing, the housing shall be securely anchored by a tiedown device which distributes and transfers the load posed by the unit to appropriate ground anchors so as to resist wind overturning and sliding.

G. Interior Air Quality:

1. Performance Requirement: The dwelling unit shall be free of pollutants in the air at levels which threaten the health of the occupants.
2. Acceptability Criteria: Dwelling units shall be free from dangerous levels of air pollution from carbon monoxide, sanitary sewer gas, fuel gas, dust and other harmful air pollutants. Air circulation shall be adequate throughout the unit. Bathroom areas shall have at least one openable 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 potable water supply.

I. Lead Based Paint:

1. Performance Requirement:
  - a. The dwelling unit shall be in compliance with HUD lead based paint regulations, 24 CFR, part 35, issued pursuant to the lead based paint poisoning prevention act, 42 USC 4801, as amended, and the owner shall provide a certification that the dwelling is in accordance with such HUD regulations.
  - b. 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:

1. Performance Requirement: 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.
2. Acceptability Criteria: The dwelling unit shall be usable and capable of being maintained without unauthorized use of other private properties. The building shall provide an alternate means of egress in case of fire, such as fire stairs or egress through windows.

K. Site And Neighborhood:

1. Performance Requirement: The site and neighborhood shall be reasonably free from disturbing noises and reverberations and other hazards to the health, safety and general welfare of the occupants.
2. Acceptability Criteria: The site and neighborhood 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, sanitary sewage hazards or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibrations 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. (1978 Code §17-9; amd. 1994 Code)

**17-5-22: PENALTIES FOR VIOLATION:**

Violation of this chapter shall be a municipal infraction punishable by a penalty as provided for in subsection 1-4-2D of this code. (Ord. 02-4044, 10-8-2002)

**17-5-23: APPENDICES:**

**APPENDIX A**

**ATTIC FIRE ESCAPE**

Balconies.

Material. All balconies for ladder fire escapes installed must be of wrought iron or mild steel, not less than 28 inches deep and 6 feet long.

Frame. The balcony frame shall be made continuous of not less than  $1\frac{1}{4}$  x  $1\frac{1}{4}$  x  $\frac{1}{4}$ -inch angle iron securely riveted or welded together, with crossbars every 2 feet, said bars to be punched  $\frac{1}{2}$ -inch square every  $1\frac{1}{4}$  inches center to center, and  $\frac{1}{2}$ -inch square iron with corners upward forced through the same, leaving a manhole of not less than 24 x 24 inches located to clear side of

exit to balcony by at least 6 inches. The crossbars to be securely riveted, welded or bolted to the angle iron frame. Said crossbars must be not less than  $1\frac{3}{4} \times \frac{3}{32}$ -inch iron. Balconies over 30 inches wide must have at least one  $1\frac{1}{4} \times \frac{1}{4}$ -inch T-iron lengthwise through the balcony.

Posts. Said balconies shall have a  $1\frac{1}{4} \times 1\frac{1}{4} \times \frac{1}{4}$ -inch angle iron post every 3 feet, bolted to the balcony.

Rails. Balconies to be equipped with 3 rails of angle iron or pipe. Angle iron to be  $\frac{3}{4} \times 1\frac{3}{4} \times \frac{1}{4}$ -inch. Pipe rail to be  $\frac{3}{4}$ -inch inside diameter pipe. Top rail to be not less than 3 feet and bottom rail not more than 8 inches above balcony with intermediate rail space equally between the two. All railing to be continuous, except the space occupied by ladder, where railings shall be securely bolted to sides of ladder.

Rails shall enter the wall at each end at least 4 inches and top rail to be securely braced to balcony with  $\frac{1}{2} \times \frac{1}{4}$ -inch bar.

Brackets for balconies of ladder escapes.

Material. There shall be not less than 3, 1-inch square or 1-inch diameter round mild steel brackets to every 6-foot balcony, brackets to be spaced not to exceed 3 feet apart.

Fastenings. Top bar of said bracket must pass through the wall of the building and be bolted on the inside with a nut and  $4 \times 4 \times \frac{3}{8}$ -inch plate iron washer back of nut. Where walls are of frame construction or veneered, said brackets must be secured by a  $4 \times \frac{3}{8}$ -inch plate, or 2,  $2 \times \frac{5}{16}$ -inch iron bars securely spiked to each studding on inside of wall and running the full length of balcony.

Angle. The angle of brackets to be about 45 degrees and not less than 30 degrees and pass into the wall at least 4 inches at bottom.

Ladders.

Material. Rungs of ladders to be  $\frac{1}{2}$ -inch square iron, with the corners upward. Every rung to be welded and to be 14-inch centers. All ladders must be 18 inches between side guards, which shall be not less than  $2 \times \frac{5}{16}$ -inch iron.

Location. All such ladders, when installed on buildings, to be placed to the side of the windows, opposite the wall or pier, securely fastened with hook bolts, on the inside of each side bar, to the balconies and not less than 24 inches away from the wall, and to start  $6\frac{1}{2}$  feet from the ground.

General requirements.

Use of other materials. Materials of the following types and meeting the following specifications may be used.

Balconies may be constructed of serrated or antiskid open type steel grating. The material from which the sections are made shall not be less than 12-gauge thickness.

Openings in the surface shall not be more than  $\frac{7}{8}$ -inch wide and  $1\frac{1}{2}$  inches long or less than  $\frac{1}{2}$ -inch wide and  $1\frac{1}{2}$  inches long. All sections shall be capable of supporting a uniform superimposed load of 100 pounds per square foot without causing a deflection in excess of  $\frac{1}{240}$  of the span.

Bolts. All bolts used in general construction shall be not less than  $\frac{1}{2}$ -inch diameter.

Material. The use of secondhand material will not be permitted and will be condemned if found in fire escape construction.

Fittings. No cast iron fittings shall be used.

Holes in masonry. All holes in masonry must be filled with Portland cement mortar.

Painting. All work must be painted with not less than 2 coats of paint, one of iron oxide and linseed oil in shop, and one of graphite and linseed oil after installation. The field coat shall be different color than shop coat.

Factor of safety. Balconies and stairways shall be capable of sustaining a live load of 100 pounds to the square foot. Fire escapes shall have a factor of safety of not less than 4.

Maintenance and painting. All outside fire escapes shall be scraped and painted as often as necessary to maintain them in proper condition at all times.

All outside fire escapes shall be kept clear of obstructions.

All outside fire escapes shall be promptly cleaned after snow or ice has accumulated thereon.

No obstructions, such as telephone or lighting wires, shall be permitted on or near outside fire escapes. Electric light or power wires shall not be directly over or within 3 feet of outside fire escapes or balconies unless such wires are enclosed in rigid conduit. (1994 Code)

## APPENDIX B

### GUIDELINES FOR ELIMINATING LEAD BASED PAINT HAZARDS

These guidelines are derived from documents published by the Iowa department of public health childhood lead poisoning prevention



program entitled "eliminating lead based paint hazards".

1. Remove lead based paint carefully! You should never dry scrape or dry sand lead based paint on the inside or outside of your home. Always mist surfaces with water before scraping or sanding them. Use a tarp or piece of plastic to catch paint chips when you are working on the outside of your house. This will keep paint chips from falling on the soil. If you are working outside, close windows to prevent lead dust from entering the home.

2. Do not sandblast or waterblast lead based paint on the outside of your home. You do not want the paint chips to end up all over your yard or the neighbor's yard. Sandblasting and waterblasting is safe only if you have a special machine that will catch the paint chips.

3. Remove furniture, drapes, and if possible, carpet from the room you will work in before starting work. Cover the floor and furniture that cannot be removed from the room with a sheet of six (6) mil plastic. Seal each room from the rest of the house with plastic while working in it. Be careful not to track dust and paint chips into other areas of the home.

4. Wear a negative pressure, half mask respirator with a magenta (purple) HEPA filtration canister. You can buy these respirators at auto parts stores (used for brake and clutch work). The respirator will say "HEPA Filters - Asbestos Approved". Be sure to read the instructions for positive and negative face fit tests and for cleaning the respirator. If the respirator does not fit properly, it will not protect you. It will also not protect you if it is dirty. These masks do not protect against organic vapors from heat guns or paint strippers. So, use heat guns and paint strippers only where there is good ventilation. This will help disperse any organic vapors from the strippers or from heating the paint.

5. Replace the filters on the respirator if they are damaged. You should also replace them if it gets hard to breathe. This means that the filters are plugging. Wash the face piece (without the filters) with mild soap. Store the respirator in a bag outside of the work area.

6. If you have asthma, emphysema, or heart problems, do not try to wear a respirator. Take off the respirator immediately if you feel short of breath. If you have a perforated eardrum that has not been repaired, this respirator will not protect you from inhaling lead dust.

7. If you will be using a heat gun, make sure it is a low temperature heat gun that operates below one thousand one hundred degrees Fahrenheit (1,100°F).

8. Do not eat, drink, or smoke until you have left the work area and thoroughly washed your hands and face. Take a shower, wash your hair, and change clothes before coming in contact with others.

9. Keep pregnant women and children out of the room if you are working on a small project. A small project would be working on only a few surfaces in one room at a time. For larger projects, keep pregnant women and children out of the home until you complete the job.

10. After you complete the job, wash all surfaces thoroughly with any household detergent. Vacuum with a HEPA vacuum or a regular vacuum with microfilter bags. Shampoo carpets using a machine that pumps liquid into the carpet and pulls it back out.

11. Place paint chips, dust, and pieces of wood in a plastic bag at the end of each day. Put this with your garbage that will go to the landfill.

After you complete work to eliminate lead based paint hazards, you must maintain the remaining lead based paint in good condition. You should also frequently clean the house. Wash floors, window sills, areas between the windows, and other places where dust and dirt accumulate at least once a week. Check the condition of lead based paint frequently. You need to repair paint when it begins to deteriorate. (Ord. 08-4315, 9-9-2008)

**17-5-24: FEES:**

The Department of Housing and Inspection Services is authorized to assess permit and reinspection fees, the amounts of which shall be established by resolution of the City Council. (1978 Code §17-3; amd. Ord. 17-4727, 10-3-2017)