

★ **Roll Call Number**

Agenda Item Number

310

Date September 12, 2011

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing Chapter 60, Housing Code, and adding and enacting a new Chapter 60, Housing Code, Sections 60-1 through 60-378, relating to neighborhood inspection rental code, real estate installment contract sales inspection and residential public nuisance code",

which was considered and voted upon under Roll Call No. 11- 1480 of August 29, 2011; again presented.

Moved by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk



**Council
Communication**
Office of the City Manager

Date:	August 29, 2011	30
Agenda Item No.	51	
Roll Call No.	11-1980	
Communication No.	11-549	
Submitted by:	Phillip Delafield, Community Development Director	

AGENDA HEADING:

Approval of revisions to Chapter 60 of the Rental Housing Code.

SYNOPSIS:

Recommend approval of revisions to Chapter 60 of the Rental Housing Code.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

The following changes to the Rental Code have been over a year in the making and include a large number of alterations. Many of the changes are language issues, problems with the wording of the Code that have led to misunderstandings by the public, or court interpretations that were not anticipated. A second type of change is intended to make the Code current and require fewer changes in the future. A third type of clerical change is to update the Code citations. Other changes are substantial and indicate changes in philosophy or best practices in the industry:

- o Sec. 60-6 the definitions of “nuclear family” and “townhome” have been added.
- o Sec. 60-55 a research fee is charged for not properly making application with the Neighborhood Inspections Division thirty days prior to initially occupying a rental property.
- o Sec. 60-120 (1) No more than two layers of shingles are allowed on a roof.
- o Sec. 60-124 (2) adds the requirement of at least one habitable room with a minimum of 120 square feet to the habitable space requirements.
- o Sec. 60-125 (b) adds bathrooms and toilet rooms to the requirement of maintaining a temperature of 68 degrees when the exterior temperature is 60 degrees or lower.
- o Sec. 60-126 (5) all plumbing repairs and/or replacement of plumbing components must be in accordance with the Uniform Plumbing Code.
- o Sec. 60-129 reflects a major rewrite of this section of the rental code and brings the rental code into compliance with the National Electrical Code and the Permit and Development Division.

- Sec. 60-132 requires that all repairs or replacement of fire escapes, fire separations or new construction be done under the International Building Code or the International Fire Code, as adopted by the City. In doing so, these changes also bring the Rental Code into agreement with the Permit and Development Division. A significant change is that a second means of egress is no longer automatically required from a second floor apartment, and will be governed by the Building Code.
- Sec. 60-133 this change includes the interior of windows and all friction surfaces, which means any interior or exterior surface that is subject to abrasion or friction, including but not limited to certain window, door and floor surfaces to have all lead paint removed.

With these changes, all lead removal is required to be done in accordance with state and federal requirements. Inspectors will have lead removal requirements available for landlords and will include that information with the violation letter. Neighborhood Inspectors shall make Childhood Blood Lead Test Referral Cards available to the parents of children residing in dwellings that have been cited for lead paint violations.

PREVIOUS COUNCIL ACTION(S):

Date: April 26, 2010

Roll Call Number: 10-631

Action: Amending Chapter 60 of the Municipal Code regarding the Housing Code. (Council Communication No. 10-204) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

Date: November 10, 2008

Roll Call Number: 08-1980

Action: Amending Chapter 60 of the Municipal Code regarding Neighborhood Inspection Rental Code and collection of fees, fines, penalties, costs and interest to allow collection or assessments against the property. **Moved by Mahaffey that this ordinance do now pass, refer to the City Manager to review the City's fines and fees for rental certificates, #14,810. Motion Carried 5-2.**

BOARD/COMMISSION ACTION(S):

Board: Housing Appeals Board

Date: July 13, 2011

Action: Unanimous approval of revisions to Chapter 60 of the Rental Housing Code.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.

15-1480
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SUMMARY OF ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13, 827, passed June 5, 2000, as heretofore amended by repealing Chapter 60, Housing Code, and enacting a new Chapter 60, Housing Code Article I through Article III, Sections 60-1 through 60-378, relating to neighborhood inspection rental code, real estate installment contract sales inspection and residential public nuisance code.

The full text of the ordinance No. _____ is on file and available for public inspection in the office of the City Clerk at City Hall, and may be viewed on-line at the City of Des Moines web page.

Ordinance No. _____ enacts a new Chapter 60 of the Des Moines Municipal Code to make changes to Article I through Article III, Sections 60-1 through 60-378.

Article I, Division 1 identify the ordinance provision as the Neighborhood Inspection Rental Code and sets out the general components. Definitions are enumerated in Section 60-6. An amendment is made to add the definitions of nuclear family and townhome.

Article I, Division 2 governs the Administration and Enforcement of the Neighborhood Inspection Rental Code. An amendment to Fees and rental certificate, Section 60-54 (b)(1)(2) to add mobile homes, condominiums, townhome structures, and residential apartment building to the rental certification process.

Article I, Division 2 governs the Administration and Enforcement of the Neighborhood Inspection Rental Code. An amendment to Fees and rental certificate, Section 60-54 (b) (3) to add that an extended certificate will not be granted to property owners with outstanding fees.

Article I, Division 2 governs the Administration and Enforcement of the Neighborhood Inspection Rental Code. An amendment is made to Procedure for inspections, Section 60-55 to add a research fee for failure to timely submit application for a rental certificate.

Article I, Division 2 governs the Administration and Enforcement of the Neighborhood Inspection Rental Code. An amendment to Complaint by tenants and retaliatory actions, Section 60-57 to add a tenant must first complain in writing to the owner or agent, a copy of that complaint shall be sent to the neighborhood inspections division.

Article I, Division 6 delineates the Responsibilities of Owners and Occupants of rental properties. An amendment is made to General maintenance, Section 60-120(1) to change that no more than 3 layers to no more than two layers of shingles are allowed on a roof.

Article I, Division 6 delineates the Responsibilities of Owners and Occupants of rental properties. An amendment is made to Habitable space, Section 60-124(2) to add at least one habitable room with a minimum of 120 square feet to the habitable space requirements.

Article I, Division 6 delineates the Responsibilities of Owners and Occupants of rental properties. An amendment is made to Heating equipment and facilities, Section 60-125(b) to add

bathrooms and toilet rooms to the requirement of maintaining a temperature of 68 degrees when the exterior temperature is 60 degrees or lower.

Article I, Division 6 delineates the Responsibilities of Owners and Occupants of rental properties. An amendment is made to Flush water closet and basic plumbing, Section 60-126(5) to add that all plumbing repairs and/or replacement of plumbing components must be in accordance with the Uniform Plumbing Code as adopted by the Municipal Code.

Article I, Division 6 delineates the Responsibilities of Owners and Occupants of rental properties. An amendment to Electrical service, Section 60-129(a) to add that the electrical system of every occupied rental residence must be in compliance with the National Electrical Code, (hereinafter referred to as NEC). Section 60-129(b) adds the basis for determining the need for additional facilities in accordance with the NEC. Section 60-129(c) adds the minimum requirements of electrical systems in compliance with NEC.

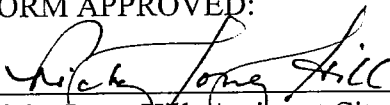
Article I, Division 6 delineates the Responsibilities of Owners and Occupants of rental properties. An amendment to Fire exits and fire protection, Section 60-132 to add all multiple dwellings shall comply with the International Fire Code and International Building Code related to stairwell enclosures.

Article I, Division 6 delineates the Responsibilities of Owners and Occupants of rental properties. An amendment to Lead base paint, Section 60-133 changes requirements for lead paint removal.

Article III, Division 1 governs Residential Public Nuisance. An amendment to Section 60-308 through Section 60-310 to reflect a change in numerical sequence.

Article III, Division 1 governs Residential Public Nuisance. An amendment to Section 60-310 emergency action procedures.

FORM APPROVED:



Vicky Long Hill, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a summary of Ordinance No. _____, passed by the City Council of said City on _____, signed by the Mayor on _____, and published as provided by law in the Business Record on _____. Authorized by Publication Order No. _____.

Diane Rauh, City Clerk

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ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing Chapter 60, Housing Code, and adding and enacting a new Chapter 60, Housing Code, Sections 60-1 through 60-378, relating to neighborhood inspection rental code, real estate installment contract sales inspection and residential public nuisance code.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by repealing Chapter 60, Housing Code, and adding and enacting a new Chapter 60, Housing Code, Sections 60-1 through 60-378, relating to neighborhood inspection rental code, real estate installment contract sales inspection and residential public nuisance code, as follows:

**CHAPTER 60
HOUSING CODE**

ARTICLE I. NEIGHBORHOOD INSPECTION RENTAL CODE

DIVISION 1. GENERALLY

Sec. 60-1. Title.

This article will be known as the Neighborhood Inspection Rental Code.

Sec. 60-2. Adoption of International Property Maintenance Code, International Building Code, International Residential Code, International Fire Code, International Mechanical Code, Uniform Plumbing Code, and the National Electrical Code.

- (a) This article shall adopt portions of the current edition of the International Property Maintenance Code. This article shall also adopt the International Building Code, International Residential Code, International Fire Code,

International Mechanical Code, Uniform Plumbing Code, and the National Electrical Code, as referenced in Chapter 26 and Chapter 46.

- (b) This article and all provisions incorporated in this article, by reference or otherwise, shall be known as the Neighborhood Inspection Rental Code, shall be cited as such and will be referred to in this article as such and as "this code" or as "this article." References made in this article to chapters will be to chapters of the International Property Maintenance Code, International Building Code, International Residential Code, International Fire Code, International Mechanical Code, Uniform Plumbing Code, and the National Electrical Code. Where the city municipal code is the subject of reference in this article, it will be referred to as "the Municipal Code."
- (c) An official copy of this code and a certified copy of this article are on file in the office of the city clerk.

Sec. 60-3. Deletions.

The following sections are deleted from the International Property Maintenance Code, and are of no force or effect in this article:

- (1) Chapter 1 Section 102.3
Section 103 in its entirety.
- (2) Section 104 in its entirety
Section 105 in its entirety.
Section 106 in its entirety.
Section 107 in its entirety.
Section 108 in its entirety.
Section 109 in its entirety.
Section 110 in its entirety.
Section 111 in its entirety.
Section 112 in its entirety.
- (3) Chapter 2 in its entirety.
- (4) Chapter 3 Section 301.3, 302.4, 302.6, 302.8, 302.9.
- (5) Chapter 5 Section 502.3, 502.4, 502.4.1, 507.1.
- (6) Chapter 6 Section 606 in its entirety.

The deletions from the International Building Code, International Mechanical Code, Uniform Plumbing Code, and the National Electrical Code shall be as referenced in Chapter 26.

The deletions from the International Fire Code shall be as referenced in Chapter 46.

Sec. 60-4. Amendments and additions.

The remaining sections of this article represent amendments and additions to the requirements contained in any of the listed

codes. In the event of a conflict between any of the listed codes and this article, the requirements of the Neighborhood Inspection Rental Code prevail.

Sec. 60-5. Scope, applicability and exceptions.

The provisions of this article shall apply to the maintenance, repair, equipment, use, and occupancy of all residential rental buildings and accessory structures now in existence or hereafter constructed, rehabilitated, renovated, or converted to residential use within the corporate limits, including but not limited to single and two-family dwellings, multiple family dwellings, rooming houses, rooming units, dormitories and dormitory rooms, but excluding those buildings and structures specifically excluded from the provisions of this article and public nuisance structures as defined in Article III. Any structure that was in compliance on the day previous to the adoption of this code will be allowed to remain.

EXCEPTIONS:

The provisions of this article do not apply to:

- (1) Buildings, structures, and uses owned, licensed, and operated by any governmental unit or governmental agency;
- (2) Single-family dwellings occupied by the owner, as defined in this chapter, or members of that owner's immediate family. Such members are defined as parents, grandparents, children, and grandchildren. Owners must register the names of the immediate family members who reside in the dwelling on an annual basis and whenever there is a change in occupancy;
- (3) Transient shelters and group homes subject to state inspection;
- (4) Residential structures in which ownership passes to a governmental unit;
- (5) Where a nonresidential business or activity or a state-licensed or state-approved use occupies a portion of the building and the building contains premises which would otherwise be subject to this article, this article shall be and remain applicable to the residential and common or public areas of such building and premises;
- (6) A duplex, at least one of the units of which is occupied by the owner, as defined in this chapter, and the other unit is occupied by a member of that owner's immediate family, as defined in subsection (2) of this section.

Sec. 60-6. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the following meanings and shall be so construed wherever they appear in this article:

Accessory building means a structure on the same lot, separate from, and of a nature customarily incidental and subordinate to the principal residential structure and may be used for, but not limited to, the storage of equipment, materials, vehicles, and other miscellaneous items. Trailers, semi-trailers, tents, motor vehicles, and component parts thereof are not accessory buildings.

A structure which might otherwise be considered an accessory building, but which is connected to the principal residential structure by a breezeway or other extension of the principal residential structure containing a functional roof and floor shall, for the purposes of this ordinance lose its status as an accessory building, become part of the principal residential structure, and shall be subject to all restrictions applicable to a principal residential structure.

Appropriate authority means the Neighborhood Inspection Officer or any duly authorized representative.

Basement means that portion of a building which is partly or completely below grade.

Bathroom means a room containing plumbing fixtures including a bathtub or shower.

Bedroom means any room or space used or intended to be used for sleeping purposes.

Cellar means that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Central heating plant or *heating plant* means heating equipment installed in a manner to supply heat by means of ducts or pipes to areas other than the room or space in which equipment is located, and shall include the chimney and all required vents.

Condominium means a single dwelling unit located within a multi-unit structure where each unit is separately held by deed in conformity with I.C. § 499B.5.

Corporate unit means the City of Des Moines.

Code official means the Neighborhood Inspection Officer charged with the administration and enforcement of this code, or any duly authorized representative.

Cost means all inspection fees, re-inspection fees, fines, civil penalties, eviction costs, demolition costs, administrative costs, and legal costs incurred by the Neighborhood Inspection Division in the enforcement of this article.

Duplex means a building containing two attached dwelling units under the same ownership.

Dwelling Unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Exit means a continuous and unobstructed means of access to a public way, including intervening doors, doorways, corridors,

exterior exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, exit passageways, exit courts, and yards.

Exterior Property means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

~~*Extermination* means the control and elimination of insects, rats or other pests by elimination of harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigation, trapping or by any other approved pest elimination method.~~

Fuel burning appliance means any device which utilizes combustible fuel to produce heat for cooking, water heating, or room heating.

Garbage means animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Grade means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, where the property line is more than five feet from the building, between the building and a line five feet from the building.

Guards means a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

Habitable Space means space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility space and similar areas are not considered habitable spaces.

Infestation means the presence of insects, rats, vermin, or other pests within or contiguous to a structure or premises.

Junk means secondhand, worn or discarded articles of any kind having little or no commercial value.

Lead-based Paint means any liquid substance applied or intended for application to surfaces containing more lead by weight than the percentage allowed by federal regulations now existing or hereafter adopted, calculated as lead metal in the total nonvolatile content of such liquid substance or in the dry film of such liquid substance after application.

Mobile home means any vehicle without motive power and so designed, constructed, or reconstructed as to permit the vehicle to be used as a place for human habitation by one or more persons. It may also include any such vehicle with motive power not registered as a motor vehicle in this state. A mobile home is factory-built housing built on a chassis. A mobile home may not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations pertaining thereto, whether or not wheels, axles, hitches or other appurtenances of mobility are removed and regardless of the nature of the foundation provided.

Multiple dwelling means any dwelling containing more than two dwelling units or rooming units. For purposes of this article the area of common ownership in a condominium, and the area in any single apartment unit rented, let or leased to and occupied by other than its record titleholder for housing purposes in a condominium shall be deemed a multiple dwelling or multiple dwelling unit, as appropriate.

Neighborhood Inspection Division means the division within the city charged with the duty to inspect dwelling units, rooming houses, rooming units, premises, and structures for compliance with this article, and may also mean, as the context indicates, a member of that division.

Neighborhood Inspection Officer means the administrator of the neighborhood inspection division or his/her designee. The officer shall be the authorized representative for the enforcement of this article and for the administration of the division.

Nuclear family member means the parent, grandparent, children, and grandchildren.

Openable Area means the part of a window, skylight, or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Owner, for purposes of this chapter, except article III, means the holder of legal title or contract purchaser of record.

Owner, for purposes of article III, shall mean any person who has an interest of record, including any titleholder, contract purchaser, tenant under a recorded lease or any executor, administrator, trustee, conservator or other fiduciary, mortgagee, or other lien holder, and any holder of an unrecorded interest of which the city has actual knowledge.

Person means an individual, a corporation, a limited liability company, a government or governmental subdivision or agency, a business trust, an estate, a trust, a partnership or an association, or any other legal entity.

Plumbing means the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities; venting systems; public or private drainage or storm drainage facilities; the public or private water supply systems within or adjacent to any building, structure or conveyance; the installation, maintenance, extension, or alteration of the storm water, liquids, or sewerage and water-supply systems to their connection with any point of public disposal or other acceptable terminal.

Record titleholder means any person holding title of record by deed, contract of sale, or judicial determination. The term "record titleholder" shall also include the official representatives of a bona fide religious organization which is titleholder.

Rental building(s) and structure(s) means dwelling(s) which are occupied by one or more persons, none of whom are record titleholder.

Rooming house means a building offered or occupied for lodging, with or without meals, and not occupied as a one or two-family dwelling.

Rooming unit means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Rubbish means combustible and non-combustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and other similar material.

Shall means as follows:

- (1) With respect to the functions and powers of the neighborhood inspection officer and that officer's subordinates, employees, and agents of the city and any board authorized and empowered hereunder, imposes a duty, a direction and authorization to act in the exercise of sound discretion, good faith, and reasonable judgment.
- (2) With respect to the obligations upon owners and occupants of premises and their agents, a mandatory requirement imposes a duty to act in compliance with this article at the risk of civil and criminal liability upon failure to act.

Tenant means a person over the age of one year, corporation, partnership or group, not the legal owner of record, occupying a building or portion thereof as a unit.

Toilet room means a room containing a water closet or urinal but not a bathtub or shower.

Townhome (row houses) means a single family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

Ventilation means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Workmanlike means executed in a skilled manner, generally plumb, level, square, in line, undamaged, and without marring adjacent work.

Sec. 60-7--60-49. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT*

Sec. 60-50. Powers, duties, and enforcement.

- (a) The neighborhood inspection division shall cause inspections to be made to determine the condition of rental dwellings, dwelling units, rooming houses, rooming units, dormitories, mobile homes, similar dwellings and accessory structures located within the corporate limits, and may issue notices as provided in this article.
- (b) Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have discretionary authority to allow modifications or conditions in individual cases, provided that the modification or condition is in accord with the purpose and intent of this code and such modification or condition does not endanger health, safety, or welfare. Any modification or condition will be recorded and entered in the department files.
- (c) The neighborhood inspection officer or his designees are authorized to enter at reasonable times to inspect. If entry onto real estate for the purposes described in this chapter is refused, the department may obtain an administrative search warrant as provided by law to gain entry onto the real estate for the purpose of inspection or otherwise as provided by law.
- (d) The enforcement of this article is not to be construed for the particular benefit of any individual or group of persons, other than the general public.
- (e) Neither the city, any city employee nor any agent thereof shall be liable for damages as a result of any act or failure to act in the enforcement of this article. This article is not to be construed to relieve or diminish the legal obligation of any other person.

Sec. 60-51. Regulation and inspection of mobile homes.

Mobile homes shall be regulated and inspected in accordance with the following classifications:

- (1) The class of mobile homes denoted as manufactured homes, as defined in 42 USC 5402(6), shall bear a data plate, serial number, and certification label as required by Manufactured Home Construction and Safety Standards, Department of Housing and Urban Development (1985), sections 3280.5, 3280.6 and 3280.8, or shall meet the requirements of section 3280.7;
- (2) Mobile homes manufactured from March 1973 through May 1976 shall bear the seal of the state;
- (3) Mobile homes manufactured prior to March 1973 shall be inspected for general conformity with the Manufactured Home Construction and Safety Standards cited in

- subsection (1) of this section, as such standards govern fire safety, plumbing, mechanical, electrical systems, and general construction;
- (4) All other mobile homes not included in the classifications in subsections (1) through (3) of this section shall be inspected for general conformity with the Manufactured Home Construction and Safety Standards cited in this subsection as such standards govern fire safety, plumbing, mechanical, electrical systems, and general construction;
- (5) A mobile home showing no evidence of modification and generally well-maintained as set forth in this article, shall be issued a housing certificate in the same manner as any other dwelling subject to this article.

DIVISION 3. DWELLING INSPECTION AND RENTAL CERTIFICATION

Sec. 60-52. Required owner/agent information.

Owners of residential rental property in the city who reside in Polk County or any county contiguous thereto shall provide the neighborhood inspection division with their physical addresses and telephone numbers. Owners of residential rental property located in the city who reside in any other county or state shall provide the neighborhood inspection division with the name and physical address of an individual over the age of eighteen (18) who shall reside in Polk County or any county contiguous thereto and who shall be designated as agent for receiving notice and service of process. A new owner shall provide the information required in this subsection within five days from the date of any change of ownership.

Sec. 60-53. Rental certificate required.

No owner shall rent, let, lease, or otherwise allow the occupancy of any dwelling, dwelling unit, or rooming unit unless that owner holds a valid rental certificate.

Sec. 60-54. Fees and rental certificates.

- (a) Rental inspection fees and reinspection fees will be charged in the amount set forth in the schedule of fees adopted by the city council by resolution.
- (b) Certificates will be issued for the following periods:
- (1) Thirty-six months for single family structures, duplex structures, mobile homes, condominiums, and townhome structures. Properties that comply upon renewal inspection may request to pay a 33 percent additional fee and receive a 48 month rental certificate;

- (2) Twenty four months for residential apartment buildings and rooming houses. Properties that comply upon renewal inspection may request to pay a 50 percent additional fee and receive a 36 month rental certificate;
- (3) Property owners with outstanding fees will not be granted an extended certificate.
- (4) Rental certificates will be issued when all requirements of section 60-55 and section 60-56 have been met.
- (c) At the inspector's discretion, owners may certify in writing to the neighborhood inspection division that violations have been corrected when a property does not have more than two violations per unit cumulative per structure, upon a renewal inspection and the property has not had more than two violations per unit cumulative per structure, upon the past two renewal inspections. No reinspection fee will be charged for this self inspection.
- (d) Newly constructed or renovated rental structures will be required to pay a registration fee in the amount set forth in the schedule of fees adopted by the city council by resolution when the certificate of occupancy is issued. Residential apartment buildings will be inspected every 24 months. Single-family dwellings, duplex structures, mobile homes, condominiums, and townhomes will be inspected every 36 months unless a complaint has been made. Thereafter applications and reinspections will occur in accordance with this article.
- (e) Structures referred to the legal department for prosecution will be inspected as necessary to enforce the code and associated costs, fees, fines, and penalties will be billed as set out in the schedule of fees adopted by the city council by resolution.

Sec. 60-55. Procedure for inspections.

- (a) At least thirty days prior to initial occupancy as a rental property, the owner or agent of a new rental property shall apply to the neighborhood inspection division for inspection of the structure and all units therein. The owner of the property shall be required to sign and return the application, which will include the information required by section 60-52 of this article. If this application is not returned, a research fee will be charged in the amount set forth in the schedule of fees adopted by the city council by resolution. The rental property shall not be occupied without first obtaining a rental certificate. Such violation hereto may be deemed a municipal infraction.
- (b) Prior to the renewal inspection of a structure with an existing rental certificate, the neighborhood inspections division shall send the property owner or agent a notice of expiration and application update that shall be signed and returned. The notice shall include the expiration date of the

current certificate and pertinent information for contacting the inspector. If this application is not returned, a research fee will be charged in the amount set forth in the schedule of fees adopted by the city council by resolution.

- (c) The neighborhood inspection officer shall inspect the property. ~~If the property is in compliance with this article, the certificate will be issued and a bill will be sent for all fees owed.~~

Sec. 60-56. Notice of violation and method of service.

If the neighborhood inspection officer determines that there are reasonable grounds to believe that premises are being maintained in violation of this article, that officer shall give notice of the alleged violation to the owner of the premises, except those violations cited as municipal infractions filed pursuant to the municipal code, chapter 1. Such notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Describe the violation and remedial action required;
- (4) State all health, safety and maintenance violations must be corrected within 30 days from receipt of this notice.

Any maintenance items which cannot be completed within this time because of weather constraints or extraordinary circumstances may be granted a time extension. Time extensions to be negotiated with the owner/agent of the property and the inspector.

- (5) State that if upon reinspection a violation still exists, the neighborhood inspection officer shall order that the rental certificate if valid be suspended and the owner referred to the housing appeals board.
- (6) Be mailed to the owner of the premises or agent designated for receipt of service.
- (7) State the time to file an appeal, the amount of the appeal fee, the right to call witnesses and the right to be represented by counsel.

Sec. 60-57. Complaint by tenants and retaliatory actions.

Unless there are significant health or safety issues, if the property has a valid rental certificate, a tenant must first complain in writing to the owner or agent, a copy of that complaint shall be sent to the neighborhood inspections division. Forms for that purpose will be available (but not required) in the neighborhood inspections division office.

- (1) An owner or agent shall have seven calendar days to address the complaint. If the complaint is not addressed within seven calendar days, the neighborhood inspection officer will schedule an inspection appointment with the tenant and owner. If violations are found, an inspection

