

ORDINANCE NO. 1073

AN ORDINANCE ADOPTING NEW CHAPTER 159 OF THE CHARLES CITY CODE OF ORDINANCES PROVIDING FOR THE LICENSING AND INSPECTION OF RENTAL PROPERTIES WITHIN THE CORPORATE LIMITS OF THE CITY CHARLES CITY, IOWA

BE IT ENACTED by the City Council of the City of Charles City, Iowa:

Section I. NEW SECTIONS. The following sections of new Chapter 159 are hereby adopted:

159.01 PURPOSE. The purpose of this chapter is to provide for the inspection of residential rental properties within the corporate limits of the city of Charles City, Iowa, in order to ensure that such properties conform to minimum standards deemed necessary for the protection of the health and safety of the occupants thereof and the occupants of surrounding properties, and to inhibit the spread of urban blight.

159.02 DEFINITIONS. For the purpose of interpreting this chapter, the following definitions shall apply:

1. "Dwelling" means any house, building or mobile home, or portion thereof, occupied or intended to be occupied as the place of habitation of human beings, either permanently or transiently.
2. "Dwelling unit" means one or more rooms within a dwelling intended to be occupied by human beings for living purposes. If a common area and facilities for cooking and eating are provided in a dwelling for the use of the occupants of units therein, such common area and facilities shall constitute a part of each dwelling unit for the purpose of inspection and compliance with this chapter, notwithstanding the fact that cooking is not allowed in individual units.
3. "Rental property" means any dwelling or dwelling unit which is being held out or being offered for rent or is currently being let for rent and/or occupied by any person who is not the owner of the premises, except that the following properties shall not be regarded as rental properties:
 - a) Dwelling units owned by the United States of America, the State of Iowa, or the City of Charles City, Iowa.
 - b) Hotels and Bed and Breakfast Inns as defined by Chapter 137 of the Iowa Code.
 - c) All facilities that are licensed or certified by the Iowa Department of Inspections and Appeals.
4. "Owner" means any person, persons, entity or entities that have legal title, individually or collectively, to rental property.
5. "Manager" means a person or entity designated by the owner as the owner's agent in supervising the operation and leasing of the owner's rental property

and authorized to act on behalf of the owner with the City concerning compliance with the requirements of this chapter.

6. "Rental Permit" means the permit issued by the City of Charles City authorizing occupancy of a rental property.

159.03 REGISTRATION OF RENTAL PROPERTIES. The owner of a rental property is required to register the owner's rental property with the City by filing a completed registration form (as provided by the City) with the City Clerk accompanied by a fee for each dwelling or dwelling unit described in the registration form and in an amount as established from time to time by the City Council by appropriate resolution and which fee shall be set out in an appendix to the Charles City Municipal Code of Ordinances. Each owner must thereafter renew its registration annually by filing a completed registration form (as provided by the City) with the City Clerk on or before the anniversary date of the last registration filing, accompanied by payment of the fee as described above. Registration forms shall be available at the office of the City Clerk during regular business hours. Upon receipt of the completed registration form and registration fee, and upon completion of the inspection certifying compliance with the property standards described in this ordinance, a rental permit will be issued to the owner.

159.04 RENTAL PERMIT REQUIRED. Except as otherwise provided herein, no owner shall rent or offer for rent any dwelling or dwelling unit for use in whole or in part for human habitation unless a rental permit has been issued for each dwelling unit. If a completed registration form, together with the required fee, has been received by the City, but the inspection cannot be completed within a reasonable time or prior to the expiration of the existing permit, then the City Administrator is authorized to issue a temporary rental permit pending completion of the inspection of the dwelling unit by the City, and which will thereby authorize occupancy of the dwelling unit for the period designated in the temporary permit. No person shall occupy a dwelling unit unless a valid rental permit has been issued for the dwelling unit.

159.05 CONSENT TO INSPECTION. By filing a registration form with the City, the owner is granting its consent to an inspection of the rental property by the City for the purpose of determining compliance with the property standards set forth in this chapter.

159.05 INSPECTION OF RENTAL PROPERTY AND ISSUANCE OF RENTAL PERMIT. Rental properties shall be inspected and permits authorizing occupancy shall be issued as follows:

1. Inspection. Upon receiving a registration form and registration fee, the City Administrator will arrange to inspect each dwelling unit described in the registration form by contacting the owner or the manager to arrange for inspection within a reasonable period of time, not to exceed two weeks from the date of the City request for an inspection. The owner or manager shall be present at the time set for inspection and shall accompany the inspector during each inspection. The owner shall advise the occupant of these arrangements and of the occupant's right to also be present during the inspection.
2. Issuance/denial of the rental permit. If the City inspector finds that the dwelling unit substantially conforms to the minimum standards as set forth in

paragraph 8 of this chapter, then the rental permit shall thereupon be issued to the owner. If the inspection determines that the dwelling unit does not substantially conform with the standards, then the City will notify the owner of the specific findings of nonconformity and of the date by which abatement of these nonconforming conditions must be completed. In the event that the period for abatement extends beyond the expiration of the rental permit, then the City may issue a temporary rental permit for this abatement period unless the nonconforming conditions are deemed to be an immediate threat to the health and safety of the occupants. The City will re-inspect the property following expiration of the abatement deadline to confirm compliance with the property standards.

3. Transfer of ownership. Upon transfer of ownership of the property for which the rental permit has been issued, the new owner or manager of the property shall apply for a transfer of the rental permit within 30 days after the date of transfer of ownership of the residential rental property. If application for transfer is timely made, then the rental permit will be transferred to the new owner or operator without charge or without further inspection and the rental permit will expire on the expiration date of the previous rental permit. If the application for transfer is not timely filed, then the City may cancel the rental permit and require registration of the unit and reinspection before a rental permit is issued.

159.07 RENTAL PERMIT EFFECTIVENESS. Except as otherwise provided herein, a rental permit issued by the City pursuant to paragraph 3 of this chapter shall remain effective for a period of one year from the date of issuance. The owner may renew the permit without reinspection of the property for two consecutive one-year terms by filing the registration form accompanied by the required fee with the City Clerk by the anniversary date of the permit. Prior to the third anniversary of the original permit, the City will notify the owner or manager of the requirement for re-inspection of the property, and will make arrangements for the inspection within a reasonable time. In the event that the owner or manager of rental property does not file a registration form and pay the required fee within 30 days following the expiration of the rental permit in any year, the City may, in its discretion, require reinspection of the property as a condition for renewal of the rental permit.

159.08 REVOCATION OF PERMIT. A rental permit will be subject to revocation at any time after 10 days' prior written notice to the owner or manager upon the following occurrences:

1. Failure to timely file a registration form or timely pay the required fee and failure to cure this default within 10 days following receipt of the notice of noncompliance by the owner or manager.
2. Discovery of nonconforming conditions on the property and which are not abated within the time period prescribed for abatement by the City in its notification to the owner or manager of nonconforming conditions.

3. Conviction or judgment by a judge or judicial magistrate of the Iowa District Court finding a violation of any provision of this chapter.

In the event that the City Code Enforcement Officer determines that the conditions of the rental property present an immediate threat to the health and safety of the occupants thereof or of neighboring properties, then the rental permit may be revoked immediately without prior notice to the owner or manager.

159.09 INSPECTION UPON COMPLAINT. In addition to the inspections conducted by the City in conjunction with the issuance or renewal of rental permits, the City is authorized to inspect any rental property for compliance with the standards set forth in paragraph 8 upon receiving a complaint from an occupant of the rental property concerning conditions on the property. The complaint shall be filed with the City Clerk on a form provided by the City. This form shall include a provision requiring the complainant to certify that he or she has registered a complaint with the landlord or manager at least fourteen (14) days prior to filing the complaint with the City and without receiving a satisfactory response from the owner or manager.

159.10 REQUIRED ABATEMENT OF NONCONFORMING CONDITION. Any owner who fails to abate nonconforming conditions, after receiving notice of noncompliance and within the time period prescribed by the City for abatement of these nonconforming conditions, is in violation of this code of ordinances.

159.11 PROPERTY STANDARDS. All rental properties must substantially conform to the following provisions of the International Property Maintenance Code, 2012 as published by the International Code Council, Inc., the provisions of which are by this reference adopted and made part of this ordinance:

1. Section 302.5 pertaining to Rodent Harborage
2. Section 304.1.1 pertaining to Unsafe Conditions, Exterior Structure
3. Section 304.3 pertaining to Premises Identification
4. Section 304.13 pertaining to Window, Skylight and Door Frames
5. Section 304.15 pertaining to Doors
6. Section 304.18 pertaining to Building Security
7. Section 305 pertaining to Unsafe Conditions, Interior Structure
8. Section 306 pertaining to Unsafe Conditions, Component Serviceability
9. Section 307 pertaining to Handrails and Guardrails (but amended by requiring a handrail on exterior and interior flight of stairway having more than three rather than more than four risers)
10. Section 402.2 pertaining to Common Halls and Stairways
11. Section 403.2 pertaining to Bathrooms and Toilet Rooms
12. Section 403.5 pertaining to Clothes Dryer Exhaust
13. Section 504 pertaining to Plumbing Systems and Fixtures
14. Section 505 pertaining to Water Supply
15. Section 506.1 pertaining to Sanitary Drainage System
16. Section 506.2 pertaining to Maintenance

17. Section 602 pertaining to Heating Facilities (dates for heat being November 1 through April 1, inclusive)
18. Section 603 pertaining to Mechanical Equipment
19. Section 604 pertaining to Electrical Facilities
20. Section 605 pertaining to Electrical Equipment
21. Section 606.2 pertaining to Elevators
22. Section 702.1 pertaining to Means of Egress, General
23. Section 702.3 pertaining to Means of Egress, Locked Doors
24. Section 704 pertaining to Fire Protection Systems

159.12 FEES. The following fees will be assessed to and paid by rental property owners in an amount as established from time to time by the City Council by appropriate resolution and which fees shall be set out in an appendix to the Charles City Municipal Code of Ordinances:

1. Registration fee. Due upon filing initial and subsequent annual registration of rental properties with the City Clerk.
2. Additional inspection fee. Due and payable for each inspection of a dwelling or dwelling unit that is in addition to an inspection required by this Ordinance and one follow-up inspection.
3. Complaint inspection fee. Due and payable for each inspection conducted by the City pursuant to a complaint filed with the City Clerk.
4. Failure to appear fee. Due and payable upon failure of the owner or manager to appear at a scheduled inspection of a dwelling or dwelling unit.

Permits will not be issued nor inspections made until the fees required by this section have been received by the City Clerk.

159.13 APPEAL. Any person aggrieved by a decision of the City in its administration of this chapter may file a request with the City Clerk, on a form provided by the City Clerk, and directed to the City Administrator requesting reconsideration of the contested decision. The City Administrator will notify the applicant, in writing, within five days after its receipt by the City Clerk, of his decision. If the aggrieved party is not satisfied with the response of the City Administrator, the aggrieved party may, within 10 days following the date of the Administrator's response, file a written appeal to the City Council, on a form provided by the City Clerk, requesting reconsideration of the contested decision. This written appeal shall be filed with the City Clerk. The City Clerk will thereupon notify the aggrieved party of the date, time and place of hearing before the City Council and at such hearing the aggrieved party may present testimony and evidence in support of his/her position. The City Council will render an opinion on this appeal within 10 days following the date of hearing.

159.14 IMPLEMENTATION OF ORDINANCE. The City may implement the registration and inspection of rental properties in stages in order to facilitate an orderly inspection of all rental properties requiring rental permits. The City may issue temporary rental permits to owners pending inspection of rental properties for which registration forms have been filed.

159.15 VIOLATIONS. The violation of any provision of this chapter shall constitute a violation of the Charles City Code of Ordinances and subjecting the violator to the following penalties:

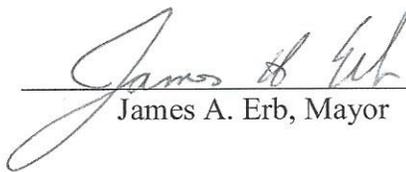
- A. Criminal penalties. Any owner who violates provision of this chapter shall be guilty of a simple misdemeanor.
- B. Civil penalties. Any violation of this Chapter or failure to perform any act or duty or requirement of this chapter shall constitute a municipal infraction under Chapter 4 of this Code of Ordinances.
- C. Other Code provisions. The foregoing provisions concerning enforcement of this chapter are not exclusive but are cumulative to any other remedies available under state law or local ordinance.

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

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

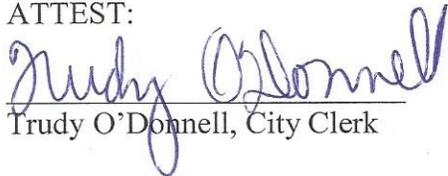
SECTION 4. When Effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the City Council on this 3rd day of September, 2013.



James A. Erb, Mayor

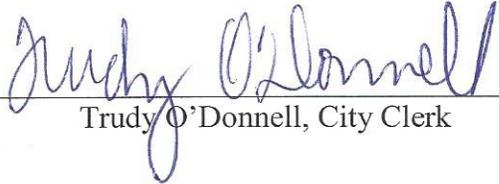
ATTEST:



Trudy O'Donnell, City Clerk

CERTIFICATE

I, Trudy O'Donnell, City Clerk of the City of Charles City, Iowa, do hereby certify that the above and foregoing Ordinance No. 1073 was duly published in the Charles City Press, a newspaper published daily in the city of Charles City, Iowa, on the 6th day of September, 2013.



Trudy O'Donnell, City Clerk

RESOLUTION NO. 97-13

SETTING FEES REQUIRED BY SECTION 159.12 OF THE CHARLES CITY CODE OF ORDINANCES.

WHEREAS, Chapter 159 of the Charles City Code of Ordinances provides for the licensing and inspection of rental properties within the corporate limits of the City of Charles City, Iowa; and

WHEREAS, Section 159.12 of this Ordinance provides that certain fees will be assessed to and paid by rental property owners in an amount as established from time to time by the City Council by appropriate resolution; and

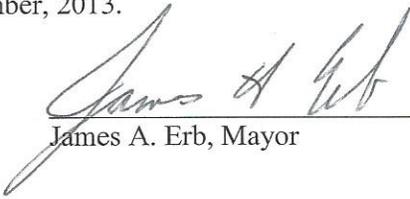
WHEREAS, it is therefore necessary that the fees, as itemized by Section 159.12 of the Charles City Code of Ordinances, be determined by the City Council of Charles City, Iowa.

NOW, THEREFORE IT IS RESOLVED that the following fees shall be assessed effective upon passage of this Resolution and will remain in effect until the fees are amended by later Resolution of the City Council:

1. Registration fee. \$25.00 per unit.
2. Additional inspection. \$50.00 per unit.
3. Complaint inspection fee. \$50.00 per unit. (And \$50.00 for re-inspection if necessary to confirm compliance)
4. Failure to appear fee. \$25.00 per unit.

BE IT FURTHER RESOLVED that the fees set forth herein shall be set out in the appendix to the Charles City Municipal Code of Ordinances as required by Section 159.12 of the Charles City Code of Ordinances.

Passed and approved this 16th day of September, 2013.



James A. Erb, Mayor

Attest:



Trudy O'Donnell, City Clerk