

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF INDIANOLA, IOWA CREATING REGULATIONS RELATED TO A RESIDENTIAL RENTAL CODE AND MAKING CERTAIN RELATED AMENDMENTS TO THE PROPERTY MAINTENANCE CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDIANOLA, IOWA:

Section 1. The following chapter and sections be and is hereby added by inserting the language as follows:

**CHAPTER 147
RESIDENTIAL RENTAL CODE**

147.01 PURPOSE.

147.02 ADOPTION OF CODE.

147.03 APPLICABILITY.

147.04 DEFINITIONS.

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147.01 TITLE AND STATEMENT OF PURPOSE

The ordinance codified in this chapter is entitled as the "Residential Rental Code". The purpose of this chapter is to establish minimum regulations regarding the conditions and maintenance of rental properties, buildings, and structures. Standards outlined in Chapter 147 are to ensure that rental structures, buildings, and properties are safe, sanitary, and fit for occupation and use. Provisions with this chapter are to meet compliancy with Iowa Code 364.17 "*City Housing Codes*". This ordinance may be cited as "The City of Indianola, Iowa Residential Rental Code"

147.02 ADOPTION OF CODE

For purposes of this Residential Rental Code, Chapter 154 Property Maintenance Code of the City of Indianola Code of Ordinances therein along with other provisions within this Chapter are adopted and shall be further be known as the City of Indianola Residential Rental Code.

147.03 APPLICABILITY

Provisions within this chapter shall be applicable to the maintenance, repair, equipment, use and occupancy of all residential rental buildings and accessory dwelling structures that are now in existence or hereafter constructed, habilitated, renovated, or converted to residential use within the corporate limits of the City of Indianola. Provisions within this chapter include, but are not limited to single-family dwellings, two-family dwellings, multi-family dwellings, mobile homes regulated under 562A of the Iowa Code, accessory dwelling units and/or rooming/sleeping units with the following exceptions:

- a) Single-family dwellings which are occupied by the owner
- b) Transient shelters, group homes and college dormitories subject to state licensing
- c) Hotels, motels, extended stay hotels and other similar uses subject to state licensing

Provisions within this chapter shall also be applicable to the land and common areas that provide services to individual owner-occupied units where said land and common area is under the ownership of someone other than that of said owner occupied unit, including, but not limited to, mobile home parks, horizontal property regimes pursuant to Iowa Code 499B, and multiple housing cooperatives pursuant to Iowa Code 499A.

147.04 DEFINITIONS

The following terms are defined for the purposes of Chapter 147:

1. "Designated Agent" means an individual that is designated by a landlord or property owner/manager to provide access onto a rental property or is otherwise the designated point of contact
2. "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
3. "Group homes" means those dwelling units which provide for the care of a group of persons, such as but not limited to a nursing home or treatment facility that are subject to state licensing
4. "Inspection" means a review of a dwelling unit, building or structure for its compliance to adopted and relevant city codes
5. "Minor" means an individual under the age of 18
6. "Multi-family dwelling" means a building designed for or occupied exclusively by three or more families. This includes condominiums or individual dwelling units within the structure that are being rented or leased
7. "Owner" means any person who, alone or jointly or severally with others shall have legal title to any dwelling unit, with or without accompanying actual possession thereof; or shall have charge care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner. Any such person thus

representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if the representative were the owner

8. "Rental inspection certificate" means a certificate issued upon the inspection and certification of a dwelling unit and allows for that dwelling unit to be rented and occupied
9. "Single-family dwelling" means a building designed for or occupied exclusively by one family.
10. "Tenant/Occupant" means any individual residing in a rental dwelling unit or having possession of a space within a rental dwelling
11. "Transient shelters" means those units providing temporary or transitional residence for a period of thirty-one (31) days or less
12. "Two-family dwelling" means a building designed for or occupied exclusively by two families. This includes condominiums or individual dwelling units within the structure that are being rented or leased

147.05 INTERPRETATION

In their interpretation and application, the provisions of this chapter shall be held to minimum requirements, adopted for the promotion and protection of the public health, safety, morals, and general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the higher standards, shall govern.

147.06 CODE ENFORCEMENT OFFICER

It shall be the duty of the code enforcement officer, or other officially delegated and/or appointed by the Director, who shall administer and enforce the provisions within this chapter and to conduct any required inspections or tests.

147.07 REGISTRATION AND INSPECTION CERTIFICATION REQUIRED

After the effective date hereof, no person shall rent, lease, let, operate, or otherwise allow the occupancy of any dwelling unit or any portion of any dwelling unit (including sleeping rooms) unless they hold a valid rental inspection certificate.

- a) Issuance: Following the submission of a rental registration application, on forms provided by the City of Indianola Community Development Department, and review of the residential unit for compliance with the provisions within this chapter, the Community Development Department shall issue a rental certificate to the owner and/or agent. No certificate shall be issued until all inspections, registration and other fees have been passed, completed, and paid.
- b) Owner and/or Agent Information Required: Owners of residential rental properties in the City, who reside in Warren County or any county contiguous thereto, shall provide the Community Development Department with their contact information including but not limited to:
 - a) Mailing addresses

- b) Telephone numbers
- c) Fax numbers; and
- d) E-mail addresses

Owners of residential rental properties in the City who reside in any area other than described above, shall provide the department with the contact information of an individual over the age of eighteen (18) who shall reside in Warren County or any county contiguous thereto, and who shall be designated as agent for scheduling inspections, receiving notice, and service of process.

- c) Rental Inspection Certificate: Certificates shall be readily available for examination by prospective tenants, tenants, and the Code Enforcement Officer at all times.
- d) Certificate Duration and Validation: Certificate shall expire at the end of two (2) years following its date of issuance, or from the listed expiration date, unless suspended or revoked as hereinafter provided.
- e) Certificate Renewal: Certificates shall be revoked if not renewed within thirty (30) days from the date of expiration. Renewal shall include an inspection of rental property for compliance to provisions within this chapter.
- f) Transfer of Ownership: A notice to the Community Development Department is required from the owner within ninety-six (96) hours after a rental property is sold, transferred, conveyed, or otherwise disposed of ownership, interest, or control. Notices shall include the name and address of the person succeeding to the ownership and control thereof. Certificates are transferable as long as the succeeding property owner re-registers the rental property under their name and contact information. The succeeding property owner will have thirty (30) days to re-register said property at no cost. If the succeeding property owner fails to re-register the rental property within thirty (30) days, rental certification shall be revoked or suspended.
- g) New Units: New construction projects, which have received final inspection approval and have been issued a Certificate of Occupancy, need not complete an inspection for a period of two (2) years from the issue date but shall register their property and provide their contact information to the City in order to be compliant with provisions in this chapter.
- h) The Code Enforcement Officer may issue a rental housing certificate for dwelling units inspected yearly pursuant to the Uniform Physical Conditions Standards (UPCS) as established by the Department of Housing and Urban Development (HUD) if the property owner/agent submits a valid inspection report from HUD.

147.08 INSPECTION PROCEDURES

The owner and/or agent shall schedule an inspection to be conducted by the Community Development Department to ensure compliance with the requirements of this chapter.

- a) Appointments: Appointments for inspections shall be scheduled by the applicant through the City during regular business hours and shall provide at minimum one (1) business day notice. The City may request for the appointment to be rescheduled. The owner and/or agent shall be required to arrange for access to all portions of the building. Failure to provide

access to all portions of the building shall prevent the issuance of a rental certificate and thus compliance with the law. The owner and/or agent shall notify all tenants of the inspection in accordance with Chapter 562A, *Uniform Residential Landlord and Tenant Law*, of the Code of Iowa. Failure to notify tenants shall result in reinspection.

- b) Inspection Schedule: The Community Development Department shall seek to inspect every residential rental dwelling within the corporate limits of the City of Indianola every two (2) years. As part of the inspection process, the City may determine to extend or shorten the timeframe to the next scheduled inspection. Factors that may influence the City to inspect more or less frequently include, but are not limited to the following:
 - a) Age and condition of dwelling
 - b) Inspection history
 - c) Tenant/management complaints
 - d) Natural disasters such as flooding
 - e) Timely inspection scheduling, follow-up, and fee payment by the owner
 - f) In-house inspection and maintenance program by the owner that includes specific life/safety provisions

It shall be the responsibility of the owner and/or agent to ensure that their rental properties have a valid rental inspection certificate. The City may schedule inspection appointments with the owner and/or agent of the property by regular mail and/or email, a minimum of thirty (30) days in advance of the inspection. It shall be the owner and/or agent's responsibility to notify all tenants of the inspection date and time, in accordance with Iowa law.

- c) Inspections shall not be conducted under the following circumstances and shall result in a reinspection:
 - a) When a minor is serving on the behalf of the owner and/or agent
 - b) When the inspection is against the will of the tenant without the building owner and/or agent present
 - c) When no prior notice is given to the tenant, as is required by state law
 - d) Without either the owner and/or agent, tenant of the dwelling, or the designated agent being present
- d) Administrative Search Warrants: When under any section of this code it is necessary to enter in or upon any building, structure, land or other premises for inspection purposed or when there is reasonable cause to believe there exists in, at or upon a building, structure, land or other premises within the jurisdiction of the city a violation of any section of this Code enacted under police powers related to health or safety and a city officer or employee is authorized to conduct inspections has attempted to gain entry to any building, structure, land or other premises for the purpose of such inspection and has been refused such entry, the council in the exercise of its home rule powers authorizes the city attorney or their designee to make an application for an administrative search warrant in the name and authority of the city as provided by law

147.09 MOBILE HOMES

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

- a) 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.
- b) Mobile homes manufactured from March 1973 through May 1976 shall bear the seal of the state.
- c) Mobile homes manufactured prior to March 1973 shall be inspected for general conformity with the Manufactured Home Construction and Safety Standards cited in this section as such standards govern fire safety, plumbing, mechanical and electrical systems, and general construction.
- d) All other mobile homes not included in the classifications in sections (1) through (3) of this section shall be inspected for general conformity with the Manufactured Home Construction and Safety Standards cited in this section as such standards govern fire safety, plumbing, mechanical and electrical systems, and general construction.
- e) A mobile home showing no evidence of modification and generally well-maintained as set forth in this article, shall be issued an inspection certificate in the same manner as any other dwelling unit subject to this article.

147.10 COMPLAINTS

Unless there are significant health, safety, or general welfare issues, a tenant shall first file a written complaint to the owner or agent. Complaints shall be submitted in writing and if desired, tenants may use a written complaint form made available from the Community Development Department.

- a) An owner or agent shall seven (7) days to address the complaint.
- b) If the complaint is not remedied to the tenant's satisfaction within seven (7) days of receiving said complaint, or if the complaint is of a significant health, safety, or general welfare issue, the Code Enforcement Officer shall schedule an inspection with the tenant and owner.
- c) No person shall pursue an action for eviction in retaliation for a complaint.
- d) No person shall cause any service, facility, equipment or utility required under this chapter to be removed, shut off, or discontinued in retaliation for a complaint

147.11 REVOCATION AND SUSPENSION OF CERTIFICATES

Any rental inspection certificate may be summarily revoked and/or suspended by the Code Enforcement Officer upon the review of a notice of violation of any provision of this chapter or upon any outstanding fees, fines, or violations on any rental properties and/or units under the jurisdiction of the City of Indianola

147.12 WITHHOLDING OR DENIAL OF CERTIFICATES

Any rental inspection certificate may be withheld or denied by the Community Development Department if an owner has outstanding fees, fines, or violations on any rental properties and/or units under the jurisdiction of the City of Indianola

147.13 VIOLATIONS AND PENALTIES

Any person who fails to comply with any provisions of this chapter or other applicable code or regulation shall be subject to a fine as set forth in Chapter 4. In the instance that a rental property fails to meet the requirements within this chapter, The Community Development Department may issue an order requiring for the property owner or agent to correct violations within a reasonable amount of time.

Whenever the City determines that a violation of this chapter exists, the City shall give notice of the violation. The notice shall be in writing and shall describe with reasonable detail the violation(s) to allow the property owner to correct said violation(s)

147.14 FEES

All fees due to the City for registration, and/or rental housing certificates, as determined by City Council resolution, shall be collected in prior to issuance of a certificate.

147.15 RENT COLLECTIONS

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

147.16 APPEALS

Appeals to the Board of Adjustment concerning interpretation or administration of this chapter may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Administrative Officer. Such appeals shall be taken within a reasonable time, not exceeding 60 days, by filing with the Administrative Officer and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appeal from was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney. A fee as set by the Resolution of the City Council shall be paid to the Administrative Officer at the time the notice of appeals is filed.

147.18 VARIANCES

Where the strict application of standards or requirements established by this chapter would cause substantial hardship or impose unreasonable restrictions in establishing a rental housing unit because of natural or physical conditions or limitations not created by the owner, agent or developer, the property owner may apply for a variance to the standards or requirements established in this chapter. The Community Development Department may create a recommendation for approval and the Board of Adjustment may grant such variances from

these standards or requirements as may be necessary to permit the reasonable certification of a rental property and/or unit while preserving the intent of this chapter.

147.19 INJUNCTION; MANDAMUS

Section 2. The following sections be and is hereby amended by adding the underlined language as follows:

154.02 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.

The following sections of the *International Property Maintenance Code*, 2018 edition, as published by the International Code Council, are hereby revised:

1. Section 101.1. Insert: City of Indianola, Iowa
2. Delete Code Section: IMPC103.5. Replace with the following language:
103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be found in the Fee Schedule adopted annually by resolution of the City Council.
3. Delete Code Section: IMPC112.4. Replace with the following language:
112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as outlined in Chapter 4.

4. Insert Definition into Section 202. Add the following language:

STORED MATERIALS. Includes a supply of materials such as firewood, maintenance equipment, and construction items and is intended for future usage

5. Add Code Section 301.4. Insert the following language:

Section 301.4 Mold, Dampness and Moisture. Interior and exterior surfaces and coverings shall be free of visible mold or chronic/persistent excessive dampness and/or moisture

6. Add Code Section 301.5. Insert the following language:

Section 301.5 Methamphetamine. If it is determined that a dwelling unit or building has been previously used for methamphetamine manufacture or is currently being used to manufacture methamphetamine, the building shall be vacated until certified as safe by the Code Enforcement Officer.

7. Section 302.4. Insert:

Grass, weeds or brush on private property shall be cut, mowed and maintained so as not to exceed the following height specifications:

- A. Developed Areas – not to exceed eight inches.
- B. Undeveloped Areas – not to exceed 12 inches.

- i. This section does not apply to grasses grown as agricultural crops on undeveloped property or to prairies, wetlands, or similar areas of naturalized perennial vegetation grasses growing on undeveloped property as determined by the City Council.
 - C. All undeveloped properties adjacent to a developed property - not to exceed eight inches for a distance of 10 feet measured horizontally into the property from the property line.
 - D. Grass, weeds or brush on undeveloped properties adjacent to the curb line or outer boundary of any street shall be cut, mowed and maintained so as not to exceed eight inches for a distance of 25 feet measured horizontally into the property from the property line.
- 8. Section 304.14. Insert: (from date) April 1 (to date) October 31
- 9. Add Code Section 304.18.4. Insert the following language:

Section 304.18.4 Building Security

- 1. Following each change in tenancy, and at the request of the new tenant, locking devices on dwelling unit entry doors shall be changed or rotated.
 - 2. Primary egress doors in multi-family housing units shall be equipped to provide the occupant with a clear view of the area immediately outside of the door. This view may be provided by a one-way door viewer designed to provide a one hundred eighty (180) degree field of view. Such viewer shall not be mounted in excess of 60 inches.
- 10. Add Code Section 304.20. Insert the following language:

Section 304.20 Building Openings. If openings are identified that penetrate exterior walls, the opening shall be sealed with low-VOC caulk or closed-cell insulation

- 11. Add Code Section 305.7. Insert the following language:

Section 305.7 Lead Paint

- 1. Deteriorated paint or surfaces that are in need of resurfacing at a property built before 1978 shall be repaired in accordance with applicable state and federal renovation requirements. The underlying cause of deteriorated paint at a property built before 1978 shall be corrected.
 - 2. If disturbance to a painted surface is proposed, methods including open-flame burning or operating a heat gun at a temperature of 1,100 degrees Fahrenheit power sanding, grinding, power planing, needle gun, abrasive blasting and sandblasting unless with a high-efficiency particulate air vacuum attachment, shall not be permitted. Dust clearance shall be performed at the conclusion of renovation work.
- 12. Add Code Section 305.8. Insert the following language:

Section 305.8 Asbestos. Asbestos containing material shall be in good repair, free from any defects and shall be maintained non-friable. Any renovation, demolition, or other activity that will disturb asbestos shall be performed by a certified asbestos professional.

13. Add Code Section 305.9. Insert the following language:

Section 305.9 Radon. A tenant/occupant may request a radon test prior to signing or renewing a lease. If a test is requested, the owner/designated agent shall allow for such test to be completed prior to execution or renewal of the lease. If a test has previously been performed in the last two (2) years, those results may be provided to the tenant in lieu of the requirement that the test be completed prior to execution or renewal of a lease.

14. Add Code Section 305.10. Insert the following language:

Section 305.10 Building Renovation and Maintenance

1. Any renovation that is completed must use building materials certified to meet the following formaldehyde maximum emission standards:
 - a. Hardwood with a never core, 0.05 ppm
 - b. Medium-density fiberboard, 0.11 ppm
 - c. Thin medium-density fiberboard, 0.13 ppm
 - d. Particleboard, 0.09 ppm
2. Building materials used in maintenance and renovations shall be certified as having no volatile organic chemicals (VOCs) or low-VOC emissions

15. Add Code Section 309.6 Insert the following language:

Section 309.6 Pest Elimination Methods. Pesticide usage shall be used in accordance with Integrated Pest Management (IPM) methods and shall use the least-toxic pesticide with demonstrated efficacy for the identified pest. Foggers and organic phosphates shall not be used to eliminate pest infestation unless approved by the Code Enforcement Officer.

16. Add Code Section 402.4. Insert the following language:

Section 402.4 Light Switches. Light switches that control ceiling or wall-type electric light fixtures shall be located conveniently for safe use within 12 inches.

17. Add Code Section 403.6. Insert the following language:

Section 403.6 Air Filters. Forced-air systems should have a clean air filter with minimum efficiency reporting value of eight (MERV-8) unless the system is not equipped to use one.

18. Add Code Section 403.7. Insert the following language:

Section 403.7 Exhaust Fans. Air exhausted from the bathroom, toilet room, kitchen, laundry, and basement shall not discharge near any intake on the building's exterior.

19. Add Code Section 403.8. Insert the following language:

Section 403.8 Separation. Walls, ceilings, and floors that separate a dwelling unit from neighboring units, corridors, chases, stairwells, and other openings shall be sealed to limit air exchanges between interior spaces.

20. Add Code Section 503.5. Insert the following language:

Section 503.5 Watertight Seal. Corners or edges where the water-resistant floor and wall materials meet each other, or the bathtub/shower shall have a watertight seal.

21. Add Code Section 601.3. Insert the following language:

Section 601.3 Facilities. If facilities for heating and ventilation control becomes inoperative, they shall be replaced by an alternative safe source within 48 hours after failure due to a mechanical problem or power failure other than a utility outage.

22. Add Code Section 601.4. Insert the following language:

Section 601.4 Equipment. Mechanical, utility and heating equipment shall be separated from habitable rooms. Equipment rooms in multi-family buildings shall be locked.

23. Section 602.3. Insert: (from date) September 15 (to date) May 15

24. Section 602.4. Insert: (from date) September 15 (to date) May 15

25. Add Code Section 602.6. Insert the following language:

Section 602.6 Protective Cover/Barrier. A protective cover/barrier shall be installed on and maintained for exposed surfaces in dwellings with heating appliance/equipment utilizing steam or hot water with a temperature of 110 degrees or greater.

26. Add Code Section 602.7. Insert the following language:

Section 602.7 Wood Stoves. A wood stove manufactured after June 1988 shall contain a manufacturer's label certifying compliance with the emission standard at 40 C.F.R 60-part AAA and shall provide a heat shield which provides clearance between combustible materials and the stove.

27. Add Code Section 702.5. Insert the following language:

Section 702.5 Fire Safety Requirements

1. Egress shall lead outside without passing through another dwelling unit.
2. Every multi-family dwelling unit shall have at minimum two means of egress that serve as emergency escapes and rescue openings.
3. Stored materials shall be six inches above the ground, at least six inches away from the wall and shall not block egress

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2021, and approved

this _____ day of _____, 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of Indianola, Iowa, on _____, 2021, and was published on _____, 2021.

Andrew J. Lent, City Clerk