

ORDINANCE NO. 029-22

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF CEDAR RAPIDS, IOWA, BY REPEALING CHAPTER 29 THEREOF, ENTITLED "HOUSING CODE"; ENACTING AND ADOPTING IN ITS PLACE A NEW CHAPTER 29, ENTITLED "HOUSING AND PROPERTY MAINTENANCE CODE," CONSISTING OF THE ORDINANCE HEREAFTER SET FORTH WHICH ADOPTS BY REFERENCE, WITH CERTAIN LOCAL AMENDMENTS, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2021 EDITION, INCLUDING APPENDIX A AND B, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, TOGETHER REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL COMMERCIAL AND RESIDENTIAL PROPERTY, THE DECLARATION OF PROPERTY UNFIT FOR OCCUPANCY AND/OR USE, THE DEMOLITION OF CERTAIN PROPERTY AS PROVIDED THEREIN, THE CONDUCT OF ALL RESIDENTIAL RENTAL BUSINESS WITHIN THE CITY, THE REGULATING OF VACANT AND NEGLECTED BUILDINGS AND THE TERMS ON WHICH PENALTIES SHALL BE IMPOSED FOR VIOLATION OF SAID CODE; AND, FURTHER BY REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

Section 1. The Municipal Code of the City of Cedar Rapids, Iowa, is hereby amended by deleting therefrom Chapter 29 entitled "HOUSING CODE," and adopting in lieu thereof a new Chapter 29 as follows:

"HOUSING & PROPERTY MAINTENANCE CODE

<u>Local section no.</u>	<u>Provision of the IPMC</u>
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29.01 – INTERNATIONAL PROPERTY MAINTENANCE CODE 2021 ADOPTED. Except as hereinafter added to, deleted, modified, or amended, there is hereby adopted as the Housing and Property Maintenance Code of the City of Cedar Rapids, Iowa, that certain code known as the International Property Maintenance Code, First Printing: September 2020 (“IPMC”), including Appendix A and B, as published by the International Code Council.

The provisions of said Housing and Property Maintenance Code shall be for: regulating and governing the conditions and maintenance of all property, essential to ensure that structures are safe, sanitary, and fit for occupancy and use; the condemnation of buildings and structures unfit for human occupancy and use; the demolition of such existing structures as provided within the corporate limits of the City of Cedar Rapids, Iowa; the regulation of rental property and regulation of vacant and neglected buildings.

SUBCHAPTER 1 – Amendments to IPMC Provisions on Scope and Administration

29.02 – 101.1 TITLE. Section 101.1 of the IPMC is hereby amended by deleting Section 101.1 Title, and replacing said section with the following:

Section 101.1 Title. These regulations shall be known as the Cedar Rapids Housing and Property Maintenance Code which includes the 2021 International Property Maintenance Code with these local amendments, hereinafter referred to as “this code”.

29.03 – 102.2 MAINTENANCE. An Exception is hereby added to Section 102.2 of the IPMC (Maintenance) as follows:

Exception. The owner or owner’s authorized agent may by agreement allow the occupant to perform the duties specified herein. All refrigerators, stoves, and ranges shall be maintained in safe working condition.

29.04 – 102.3 APPLICATION OF OTHER CODES. Section 102.3 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Section 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Cedar Rapids Municipal Code, which includes, but is not limited to the Building Code, Electrical Code, Plumbing Code, Mechanical Code and Fire Code. Nothing in this code shall be construed to cancel, modify, or set aside provisions of the Zoning Code adopted by the City Council of Cedar Rapids, Iowa.

29.05 – 103.1 CREATION OF AGENCY. Section 103.1 of the IPMC (Creation of Agency) is hereby amended by deleting said section and replacing it with the following:

Section 103.1 Creation of Agency. The official in charge of administration of this code shall be known as the *code official*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

29.06 – 104.1 FEES. Section 104.1 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Section 104.1 Fees. The City Council of the City of Cedar Rapids, Iowa may by resolution prescribe the occasions when fees for rental business permits, rental registrations, rental inspections, inspections of owner occupied units, re-inspections and registration of vacant and/or neglected structures are required and in what amount.

29.07 – 105.3 RIGHT OF ENTRY. Section 105.3 of the IPMC is hereby amended by adding the following as Warrant to said section:

Warrant. When the *code official* has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises or unit shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the *code official* for the purpose of inspection and examination pursuant to this code.

29.08 – 109.2 VIOLATION NOTICE AND COMPLIANCE. Section 109.2 of the IPMC is hereby amended by adding the following as Violation Notice and Compliance to said section:

29.08 Violation Notice and Compliance. The *code official* shall notify the owner in writing of the basis for any inspection. If, upon completion of an inspection, a structure or property is found to be in violation of one or more provisions of this code, a notice shall be provided to the owner. If the violation is of an emergency nature, as determined by the *code official*, immediate compliance with the code is required. Otherwise, the owner shall be provided no less than 35 calendar days for correction of violation(s) and an initial re-inspection at no extra fee.

If after a re-inspection a violation has not been corrected within that period, the *code official* shall schedule a re-inspection for 14 calendar days after the initial re- inspection.

If a violation has not been corrected within that 14 day time period, then a FINAL NOTICE for seven (7) calendar days shall be issued. If a violation has not been corrected within the seven (7) calendar day period, a violation penalty shall be issued.

If violation(s) have been corrected within the time periods specified above, then a Certificate of Compliance for a rental property, rental unit or rental units shall be issued. The initial re-inspection is at no extra fee; all other re-inspections may have re-inspection fee(s) charged.

29.09 – 104.1 VIOLATION PENALTIES. Section 104.1 of the IPMC is hereby amended by deleting said section and replacing it with the following:

109.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Said prosecution may be by the filing of a misdemeanor citation or a citation for municipal infraction. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Continued violations of this code for non-compliance may result in suspension or revocation of a Cedar Rapids issued Landlord Business Permit and/or Rental Unit Registration.

29.10 – 111.1.5 DANGEROUS STRUCTURE OR PREMISES. Section 111.1.5 of the IPMC is hereby amended by adding the following as item 12 to said section:

12. Any building, structure or portion thereof, that has been used to manufacture, grow or otherwise produce a 'controlled substance', as that phrase is defined in Chapter 124 of the Iowa Code, and is not authorized for such use shall be considered unfit for human occupancy.

29.11 – 111.4.1 FORM. Section 111.4.1 of the IPMC is hereby amended by adding the following as item 7 to said section:

7. Be effective notice to anyone having interest in the property whether recorded or not at the time of giving such notice and shall be effective against any subsequent owner of the premises as long as the violation exists and there remains an official copy of the notice in a file maintained by the *code official*.

29.12 – 111.4.2 METHOD OF SERVICE. Section 111.4.2 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered personally.
2. A copy is sent by first-class, certified or registered mail addressed to the owner at the last known address with the return receipt requested for certified or registered mail.
3. A copy is delivered in any other manner as prescribed by local law.
4. If the person to be served is not found, then leaving a copy thereof at his or her usual place of abode or employment with a person who is at least 18 years old residing in the same abode or same place of employment.
5. In the event that more than one person has to be served under this code, failure to serve one or more such additional persons does not affect the service on the person served.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

29.13 – 111.7 PLACARDING. Section 111.7 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Upon failure of the *owner*, *owner's* authorized agent or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the words "Do Not Occupy" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard. Such notice shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall be placed on the condemned equipment.

Any building, structure or portion thereof deemed an imminent threat to the public safety or welfare or deemed to have the condition described in IPMC Section 111.1.5(12) shall be placarded immediately by the *code official*, and a notice shall be given to the owner, owner's authorized agent or person responsible as soon as practical thereafter.

29.14 – 111.7.1 PLACARD REMOVAL. Section 111.7.1 of the IPMC is hereby amended by deleting said section and replacing it with the following:

111.7.1 Placard removal. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated, a full inspection has been completed and all fees owed to the city on the property have been paid in full. If placarding was caused by the condition described in Section 111.1.5(12), a full report by a certified agency or contractor deeming the premises clean shall be provided to the *code official* prior to removal of the placard unless otherwise authorized by the *code official*. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provide by this code.

29.15 – 111.8 PROHIBITED OCCUPANCY. Section 111.8 of the IPMC is hereby amended by adding the following Exception to said section:

Exception. Access to a placarded property is allowed only with written approval from the *code official*. Such written approval shall specify the person or persons who are allowed access to the property and the hours which such access is allowed. When approved persons access the placarded property, those persons shall have the *code official's* full written approval available at the placarded property for inspection by any *code official* or police officer.

SUBCHAPTER 2 – Amendments to IPMC Provisions on Definitions

29.16 – CERTIFICATE OF COMPLAINECE. Section 202 of the IPMC is hereby amended by adding the following definition:

CERTIFICATE OF COMPLIANCE. Means a document issued by the *code official* or the City of Cedar Rapids evidencing compliance with all applicable code provisions of the rental property, rental unit or rental units for which the Certificate was issued. A Certificate of Compliance shall show the Issue Date (reflecting the initial regular rental inspection), the address of the structure for which it is applicable, the type or classification of the dwelling, and any other information as determined by the *code official*. The Certificate of Compliance will be issued for the entire building, not individual units.

29.17 – CONDOMINIUM. Section 202 of the IPMC is hereby amended by adding the following definition:

CONDOMINIUM. Means a multi-family complex, dwelling, dwelling unit, rooming unit, or sleeping unit which is recognized by the City Assessor's Office as a Condominium (typically in compliance with Chapter 499B of the Code of Iowa).

29.18 – COOPERATIVE. Section 202 of the IPMC is hereby amended by adding the following definition:

COOPERATIVE. Means a multi-family complex, dwelling, dwelling unit, rooming unit, or sleeping unit which is recognized by the City Assessor's Office as a Cooperative (typically in compliance with Chapter 499A of the Code of Iowa).

29.19 LANDLORD BUSINESS PERMIT. Section 202 of the IPMC is hereby amended by adding the following definition:

LANDLORD BUSINESS PERMIT. Means a permit issued by the City of Cedar Rapids for the purpose of conducting residential rental business which is subject to regulation under this Chapter.

A Landlord Business Permit does not authorize one to act or represent oneself as a real estate broker in violation of Iowa Code Chapter 543B Real Estate Brokers and Salespersons.

29.20 – NUISANCE. Section 202 of the IPMC is hereby amended by adding the following definition:

NUISANCE. Means the same as set forth in Chapter 22 of the Municipal Code of the City of Cedar Rapids, Iowa.

29.21 – NUISANCE ACTIVITY. Section 202 of the IPMC is hereby amended by adding the following definition:

NUISANCE ACTIVITY. Means the same as set forth in Chapter 22A of the Municipal Code of the City of Cedar Rapids.

29.22 – NUISANCE PROPERTY. Section 202 of the IPMC is hereby amended by adding the following definition:

NUISANCE PROPERTY. Means the same as set forth in Chapter 22A of the Municipal Code of the City of Cedar Rapids.

29.23 – OCCUPYING. Section 202 of the IPMC is hereby amended by adding the following definition:

OCCUPYING. Means living or sleeping in premises regulated by this Chapter, and shall not require that the person living or sleeping be included in any rental agreement concerning the premises.

29.24 – PROPERTY MANAGER. Section 202 of the IPMC is hereby amended by adding the following definition:

PROPERTY MANAGER. Means the party responsible for day to day maintenance, operation and management of rental property. For purposes of this Subchapter, an Owner

of a Rental Property or Rental Unit may be but is not necessarily the same as the Property Manager thereof.

References in this Chapter to "Property Manager" shall not be construed so as to affect the application of any other law concerning property management, including but not limited to Iowa Code Chapter 543B.

29.25 – REFUSE. Section 202 of the IPMC is hereby amended by adding the following definition:

REFUSE. The worthless or useless part of something; trash or garbage.

29.26 – RENTAL BUSINESS TRAINING. Section 202 of the IPMC is hereby amended by adding the following definition:

RENTAL BUSINESS TRAINING. Means training required of Landlords and those who manage rental property subject to regulation hereunder.

29.27 – RENTAL PROPERTY (OR RESIDENTIAL RENTAL PROPERTY); RENTAL UNIT (OR RESIDENTIAL RENTAL UNIT). RENTAL PROPERTY (OR RESIDENTIAL RENTAL PROPERTY); RENTAL UNIT (OR RESIDENTIAL RENTAL UNIT). Means a structure containing one or more dwelling units, rooming units, or sleeping units which is not eligible for the Iowa Homestead Credit for tax purposes; also any structure or part of a structure used as a home, residence, or sleeping unit by a single person, household unit, or any person(s) other than the legal owner of the property, which is leased or rented from or otherwise occupied by permission of the owner or other person in control of such unit(s), whether by day, week, month, year or any other term, regardless of monetary exchange. The term Rental Unit or Residential Rental Unit may refer to a unit within a rental property, as context requires.

29.28 – RENTAL PROPERTY REGISTRATION. Section 202 of the IPMC is hereby amended by adding the following definition:

RENTAL PROPERTY REGISTRATION. Means registration with the City of Cedar Rapids of a structure containing one or more rental units subject to regulation under this Chapter.

29.29 – RENTAL UNIT REGISTRATION. Section 202 of the IPMC is hereby amended by adding the following definition:

RENTAL UNIT REGISTRATION. Means registration of any given dwelling unit within a duly registered rental property.

29.30 – VACANT and NEGLECTED BUILDING. Section 202 of the IPMC is hereby amended by adding the following definition:

VACANT and NEGLECTED BUILDING. Any building or portion of a building which meets any one or more of the following conditions for more than 180 calendar days in any given year: unoccupied and unsecured, unoccupied and secured by boarding or by means other than those used in the design of the building, unoccupied and has housing and/or building code violations, unoccupied and unfit for occupancy, or unoccupied and declared dangerous or unsafe under this code.

Exception: Vacant Buildings which are undergoing construction, renovation, or rehabilitation and which are in compliance with all applicable ordinances, codes, legislation, and regulations, and for which a construction, renovation or rehabilitation permit has been issued that the *code official* determines is proceeding diligently to completion.

29.31 – WEEDS. Section 202 of the IPMC is hereby amended by adding the following definition:

WEEDS. All grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

SUBCHAPTER 3 – Amendments to IPMC Provisions on General Requirements

29.32 – 302.1 SANITATION. Section 302.1 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Section 302. 1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition, but this provision shall not relieve the owner of responsibility under this chapter. No exterior accumulation of garbage, refuse, rubbish, personal possessions, or household goods, including but not limited to appliances and furnishings manufactured for interior use, shall be permitted. For purposes of this section, an unenclosed porch is an exterior portion of a property or premises.

29.33 – 302.4 WEEDS. Section 302.4 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Section 302. 4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 109.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

29.34 – 302.7 ACCESSORY STRUCTURES. Section 302.7 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Section 302. 7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained in good repair at all times. All garages, where a garage door was intended or installed, must be provided with a functioning garage door.

29.35 – 302.8 MOTOR VEHICLES. Section 302.8 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Section 302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. The open storage of vehicle parts including but not limited to bumpers, engines, exhaust pipes, doors, fenders, hoods, mufflers, tires or any other structural, mechanical, or decorative vehicle part is prohibited. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth. Motor vehicles shall be parked on permitted hard surfaces, as defined in Cedar Rapids Municipal Code Chapter 32 (Zoning).

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a *structure* or similarly enclosed area designed and *approved* for such purposes.

29.36 – 304.3 PREMISES IDENTIFICATION. Section 304.3 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Section 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. Where the fire *code official* requires, address numbers shall also be located in an approved location along alleys that is visible from the alley. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm). For each additional 100 feet from the street, the number shall increase by an additional 2 inches in height. Measurements to determine the minimum number size shall be measured from the approved address location to the center line of the street for which the premises is addressed. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure with address numbers not less than 6 inch height. Address numbers shall be maintained.

304.3.1 Interior room numbers. Multi-family dwellings and rooming units shall have an approved room and suite numbers identification placed in positions that are plainly legible and visible. Numbers should contrast with the background. Interior numbers shall be not less than 2 inches in height with a minimum stroke width of .25 inch (6.35 mm).

29.37 – 304.7 ROOFS AND DRAINAGE. Section 304.7 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Section 304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects or deterioration. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the *structure*. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

29.38 – 304.14 INSECT SCREENS. Section 304.14 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Section 304.14 Insect screens. Every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

29.39 – 307.1 GENERAL (HANDRAILS AND GUARDRAILS). Section 307.1 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Section 307.1 General. Every exterior and interior flight of stairs having four or more risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm)

above the floor or grade below shall have *guards*. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. The new installation or replacement of handrails or guardrails require compliance with current Cedar Rapids Municipal Building Code.

Exception: *Guards* shall not be required where exempted by the adopted building code.

29.40 – 309.1 INFESTATION. Section 309.1 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Section 309.1 Infestation. Structures shall be kept free from insect and rodent *infestation*. Structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. If after re-inspection it is the opinion of the *code official* that adequate extermination measures have not been taken, then an approved plan of action shall be provided to the *code official* within 5 business days. An approved plan of action must include an approved certified pest control agency for extermination. After *pest elimination*, proper precautions shall be taken to prevent reinfestation.

SUBCHAPTER 4 – Amendments to IPMC Provisions on Light, Ventilation and Occupancy Limitations

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SUBCHAPTER 5 – Amendments to IPMC Provisions on Plumbing Facilities and Fixture Requirements

29.41 – 502.3 HOTELS. Section 502.3 of the IPMC is hereby deleted.

29.42 – 502.4 EMPLOYEES' FACILITIES. Section 502.4 of the IPMC is hereby deleted.

29.43 – 502.4.1 DRINKING FACILITIES. Section 502.4.1 of the IPMC is hereby deleted.

29.44 – 503.1 PRIVACY. Section 503.1 of the IPMC is hereby amended by deleting said section and replacing it with the following:

503.1 Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all *bathrooms* and *toilet rooms* in a single-family dwelling and multiple dwelling.

SUBCHAPTER 6 – Amendments to IPMC Provisions on Mechanical and Electrical Requirements

29.45 – 602.3 HEAT SUPPLY. Section 602.3 of the IPMC is hereby amended by deleting said section and replacing it with the following:

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to

furnish heat to the *occupants* thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

2. In areas where the average monthly temperature is above 30°F (1°C), a minimum temperature of 65°F (18°C) shall be maintained.

29.46 – 602.4 OCCUPIABLE WORK SPACES. Section 602.4 of the IPMC is hereby amended by deleting said section and replacing it with the following:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

29.47 – 603.1 MECHANICAL EQUIPMENT AND SUPPLIES. Section 603.1 of the IPMC is hereby amended by deleting said section and replacing it with the following:

603.1 Mechanical equipment and appliances. Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. All fuel burning heating equipment of each dwelling shall be maintained in good and safe working condition and shall be capable of heating all habitable rooms, kitchens, kitchenettes, bathrooms, and toilet rooms located therein to the minimum temperature required by this code.

29.48 – 604.2 SERVICE. Section 604.2 of the IPMC is hereby amended by deleting said section and replacing it with the following:

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with Cedar Rapids Municipal Code Chapter 34 (Electrical Code) as adopted.

29.49 – 605.2 RECEPTACLES. Section 605.2 of the IPMC is hereby amended by deleting said section and replacing it with the following:

605.2 Receptacles. Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry sink and/or laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every existing or new bathroom shall contain at least one ground fault circuit interrupter protection type receptacle. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.2.1 Ground fault. All receptacles located above and adjacent to work counters within 3 feet of a sink or water distribution fixture shall be ground fault circuit interrupter protection type.

605.2.2 Exterior GFCI. All exterior outlets must be ground fault circuit interrupter protection type with approved covers.

605.2.3 Tamper Resistant. All replacement outlets shall be of a tamper resistant type.

SUBCHAPTER 7 – Amendments to IPMC Provisions on Fire Safety Requirements

29.50 – 705.6.2 INTERCONNECTION. Section 705.6.2 of the IPMC is hereby amended by adding the following as item 3 to said section:

Exceptions:

3. Battery powered smoke alarms may be added in bedrooms of existing buildings which have existing smoke alarms interconnected as long as the bedrooms didn't previously have interconnected smoke alarms removed or disconnected and until such time that a building permit for remodel of the unit or building results in the building official requiring smoke alarms be interconnected.

29.51 – 704.6.3 POWER SOURCE. Section 704.6.3 of the IPMC is hereby amended by deleting said section and replacing it with the following:

29.51 – 704.6.3 Power source. Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Newly installed or replacement of an existing battery-powered smoke alarm or smoke alarms must be in accordance with Iowa Administrative Code 661, Public Safety, Chapter 210.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing *alterations* or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available that could provide access for building wiring without the removal of interior finishes.

29.52 – FIRE EXTINGUISHERS. Section 704 of the IPMC is hereby amended by adding the following:

29.52.1 General. Fire extinguishers shall be required in rental properties in accordance with specifications listed below. All fire extinguishers shall be maintained in an operative

condition at all times and shall be replaced or repaired when defective in accordance with the manufacturer's specifications and NFPA 10. At the time of each Regular Rental Inspection, the *code official* will confirm the fire extinguisher(s) have been properly maintained, serviced, and tagged by an approved company in accordance with the manufacturer's specifications, NFPA 10 and the Cedar Rapids Fire Code.

29.52.1.1 Single-family. Single family rental structures shall have one 1A10BC minimum rated fire extinguisher provided in a properly mounted readily accessible location, preferably located near an exit and near the kitchen.

29.52.1.2 Multi-family. Each multi-family structure shall be provided with one 1A10BC fire extinguisher for each dwelling unit, properly mounted in a readily accessible location preferably located near an exit and near the kitchen, or, for those structures with common corridors in lieu of the 1A10BC fire extinguishers in each unit, the owner may provide one 2A10BC fire extinguisher on each occupied level within 75 feet of each dwelling unit, properly mounted in a readily accessible location for occupants for which they are provided.

29.52.1.3 Multi-family Laundry and Mechanical Rooms. One 2A10BC fire extinguisher shall be provided in a properly mounted readily accessible location positioned within 75 feet of and on the same level as each laundry or mechanical room (including boiler rooms) that is shared by 2 or more dwelling units.

SUBCHAPTER 8 – Amendments to IPMC Provisions on Referenced Standards

29.53 – ADDITIONAL REFERENCED STANDARDS. Subchapter 8 of the IPMC is hereby amended by adding the following as Referenced Standards:

Additional Referenced Standards. The following Chapters of the Municipal Code of the City of Cedar Rapids, Iowa, are included as Referenced Standards:

Chapter 22 Nuisances
Chapter 22A Nuisance Properties
Chapter 32 Zoning
Chapter 33 Building Code (as adopted & amended)
Chapter 34 Electrical Code (as adopted & amended)
Chapter 35 Plumbing Code (as adopted & amended)
Chapter 36 Mechanical Code (as adopted & amended)
Chapter 37 Fire Code (as adopted & amended)

SUBCHAPTER 9 – Rental Business Regulations

29.54 – SECTION 901 LANDLORD BUSINESS PERMITS.

a. Permit requirements. No person, or business entity, shall lease, rent, or otherwise allow a dwelling unit or residential rental unit to be occupied without a valid Landlord Business Permit issued in accordance with this Subchapter. Each LLC is considered separate ownership.

b. Application requirements. The application requirements to the receipt of a Landlord Business Permit include:

i. All requirements pertaining to inspections are met; and

- ii. All rental units of which the applicant is an owner, in whole or in part, are registered; and
- iii. All fees due under this Chapter or Chapter 22A of the Cedar Rapids Municipal Code for the Applicant's residential rental unit(s) are paid in full; and
- iv. All court judgments entered in favor of the City and against the applicant are paid in full; and
- v. The applicant has placed on file with the *code official* the name(s), business address(es), telephone number(s) and e-mail addresses of the Owner and the Property Manager (if different than the Owner) who is responsible for day to day maintenance and management of the registered premises owned in whole or part by the applicant; and
- vi. The applicant has placed on file with the *code official* the actual physical address of the Owner or Property Manager with appropriate emergency contact information; and
- vii. Landlord Business Permit fees are paid; and
- viii. Completion and submission of an Application for Landlord Business Permit in such form and detail as prescribed by the *code official*.

c. Permit to Issue. If the *code official* concludes that application information requirements have been met, then the *code official* shall issue the Landlord Business Permit.

29.55 – SECTION 902 RENTAL PROPERTY OR RENTAL UNIT REGISTRATION.

a. Registration Required; Notification of Changes. No person shall lease, rent, or let for occupancy, a residential rental unit in the City of Cedar Rapids, Iowa without first obtaining from the *code official* proper Rental Property or Rental Unit Registration, as the case may be. Rental Property or Rental Unit Registration shall not be transferred from one owner to another. Each owner of residential rental property shall register the same with the *code official* within 30 days of transfer of title or possession of such property. It shall be the responsibility of the owner to inform the *code official* of any change in address for purposes of conducting business and communicating with the *code official*. Persons with a Landlord Business Permit who lease, rent or let for occupancy prior to obtaining a Rental Unit Registration will be assessed a penalty fee in accordance with the Schedule of Housing Inspection Services Fees.

Exception: No registration shall be required for an Owner occupied single family dwelling, single family Condominium, or single family Cooperative, provided such Owner occupied dwelling, Condominium or Cooperative has no more than two tenants who are 18 years of age or older and unrelated to the Owner.

b. Application Requirements.

- i. Application for Rental Property or Rental Unit Registration required by this code shall be made to the *code official* in such form and detail as prescribed by the *code official*, and shall include proof that Rental Business Training has been completed as set forth in this Subchapter.
- ii. Rental Property or Rental Unit Registration fees shall be as set forth by Resolution of the City Council of Cedar Rapids and payment thereof shall accompany an application for Rental Unit Registration.

c. Mandatory Rental Business Training.

i. Rental Business Training: The *code official*, or a designee, shall develop a Rental Business Training course to advance compliance with this Subchapter, other applicable laws and best rental business practices. A description of the course and its goals must be approved by resolution of the City Council.

ii. Training Requirements: Regardless of whether they are also Owners of Rental Property, all those who are Property Managers within the meaning of this Subchapter at the time this ordinance becomes effective shall complete Rental Business Training prior to the next registration of the Rental Unit or Rental Property under his or her management. Provided the Property Manager has otherwise complied with the Rental Business Training requirements set forth herein, that Property Manager shall not be required to undergo Rental Business Training as to each and every unit or property under his or her management.

iii. Proof of Training upon Registration of Rental Unit: Upon registration of a Rental Unit, the Owner shall provide proof that the Property Manager for that Unit has undergone Rental Business Training and is otherwise in compliance with the training requirements set forth herein. In the event a Property is being re-registered due to a Transfer of Title as provided in 29.55(f), and the Owner cannot prove compliance as required in this paragraph at the time of re-registration, the Owner must complete the Rental Business Training program. Failure to submit proof promptly thereafter will subject the re-registration to suspension or revocation as provided in this Subchapter.

iv. Training Required Due to Nuisance Property Status: If a rental property is deemed a Nuisance Property pursuant to Chapter 22A of the Cedar Rapids Municipal Code, then either the Owner of the Nuisance Property or, if approved by the *code official*, the Owner's designated Property Manager for that Nuisance Property shall undergo Rental Business Training prior to the next registration of the Nuisance Property. This provision shall not be construed so as to require a Property Owner or Owner's designated Property Manager to take more than one class in any given year.

d. Rental Unit Registration to Issue. When the owner has properly completed an application for registration of a rental unit, completed all requirements as provided herein and complied with all applicable codes, then Rental Unit Registration shall be issued. Such Registration does not indicate that a dwelling, dwelling unit, rooming unit, or sleeping unit meets the requirements of this code.

e. Annual Registration. Rental Unit Registration shall be valid from the date of issuance and continuing until July 1st of each year. Registration may not be renewed unless all required fees have been paid in full for all rental unit(s) of which the applicant is an owner.

f. Change of Registration Information upon Transfer of Title. The owner of any rental property or unit shall notify the *code official* within thirty (30) days of any change in the information required for Rental Property or Rental Unit Registration. If a rental property or unit is sold, assigned, or otherwise transferred, the rental property/unit must be re-registered within thirty (30) days of the transfer. The new owner shall notify the *code official* of any change in contact information for their designated local representative, including a change in name, address, e-mail address, telephone number, mobile telephone number, or facsimile number of the designated local representative within thirty (30) business days of the change.

29.56 – SECTION 903 MANDATORY TENANT BACKGROUND CHECKS.

a. Landlord Business Permit Holders shall perform a background check on all persons 18 years of age or older who newly occupy a rental unit after July 1, 2013, whether or not the person(s)

has signed a lease. This requirement shall not apply with regard to persons already occupying a given rental unit prior to that date.

b. Background checks as referenced here shall include the following at a minimum:

- i. A report of activity from Iowa Courts Online.
- ii. A report from the Iowa Sex Offender Registry and the National Sex Offender Website maintained by the United States Department of Justice. Landlords are encouraged but not required to obtain additional background information the Landlord deems appropriate.
- c. Nothing herein shall be construed to indicate any preference or recommendation on the part of the City as to the selection of a tenant.

29.57 – SECTION 904 SUSPENSION, REVOCATION OR DENIAL (OF RENTAL UNIT REGISTRATION OR LANDLORD BUSINESS PERMIT); RIGHT OF APPEAL; ORDER OF PRECEDENCE.

a. Suspension, Revocation or Denial of Rental Unit Registration or Landlord Business Permit. Using the Order of Precedence outlined in subsection b. of this section as a guiding principle for gaining compliance, the *code official* may suspend, revoke, deny, or deny renewal of any Rental Unit Registration or Landlord Business Permit issued under this Subchapter where any of the following applies:

- i. False statements on any application or information or report required by this Subchapter to be given by the applicant, registrant, or permit holder.
- ii. Failure to pay any application, penalty, re-inspection, or reinstatement fee required by this Chapter, Chapter 22A of the Cedar Rapids Municipal Code or City Council Resolution.
- iii. Failure to correct deficiencies within the time frame specified in a Notice of Violation issued pursuant to this Chapter.
- iv. Failure to comply with the provisions of an approved mitigation/remediation plan by the *code official*.
- v. Failure to comply with the provisions of the Title VIII of the Fair Housing Act of 1968 (as amended).
- vi. Declaration of status as Nuisance Property pursuant to Chapter 22A of the Cedar Rapids Municipal Code.
- vii. Failure to provide proof of a Mandatory Tenant Background Check required by this Subchapter.

b. Order of Precedence for Suspending, Revoking, Denying or Denying Renewal

- i. First course of action. A Rental Unit Registration may be suspended, revoked, denied, or not renewed as provided in subsection (a) of this section.
- ii. Second course of action. A Landlord Business Permit may be suspended, revoked, denied, or not renewed as provided in subsection (a) of this section.

c. Right of Appeal. Any person directly affected by a decision of the *code official* or a notice of adverse decision under this code shall have the right to appeal that decision in accordance with

Section 107 (Means of Appeal) of this code. No Rental Unit Registration or Landlord Business Permit may be suspended, revoked, denied or the renewal thereof denied unless notice and an opportunity to be heard is given the holder of the Permit or Registration, or applicant therefor.

29.58 – SECTION 905 INSPECTION OF RENTAL PROPERTY.

a. Regular rental inspection. Regular rental inspections of rental property, rental units, and the common areas thereof, shall be inspected in accordance with a program of regular rental inspections conducted not more frequently than yearly nor less frequently than every 3 years for a Certificate of Compliance.

b. Other rental inspection. Rental units may be inspected on a more frequent basis to ensure compliance with this code based upon one or more of the following:

- i. Information is received indicating that there is a violation of provisions of this code, or any state law;
- ii. An observation is made by a *code official*, or police officer, or fire code official, or any other government official of a possible violation of the standards or the provisions of this code or any state or federal laws;
- iii. Information is received indicating that a rental unit is unoccupied and unsecured or that a rental unit is damaged by fire, water, or other causes detrimental to the structure;
- iv. A determination must be made whether there is compliance with a notice or an order issued by a *code official*;
- v. A public health safety or welfare emergency is observed or is reasonably believed to exist;
- vi. A tenant makes a request for an inspection. If a non-emergency inspection is requested by a tenant, then the tenant shall give a written notice to the owner. Fourteen (14) days after tenant notification to the owner, an inspection may be conducted by the *code official*.
- vii. A dwelling unit is to be demolished by the City of Cedar Rapids, Iowa or the ownership is to be transferred to the City of Cedar Rapids, Iowa.
- viii. A unit is declared a Nuisance Property pursuant to Chapter 22A of the Cedar Rapids Municipal Code.

29.59 – SECTION 906 CERTIFICATE OF COMPLIANCE.

a. Certificate of Compliance Required. It shall be a violation of this code for any person to let to another for rent and/or occupancy any dwelling, dwelling unit, rooming unit, or sleeping unit in the City of Cedar Rapids, Iowa unless the owner holds a valid rental Certificate of Compliance, a current Cedar Rapids issued Landlord Business Permit, and Rental Property or Unit Registration. Unless a rental unit is re-inspected, the Certificate of Compliance shall be valid for a period of three (3) years from the initial regular rental inspection (shown as the Issue Date on the Certificate of Compliance). A Certificate of Compliance shall be transferable from one owner to another for the address for which it is applicable. A Certificate of Compliance shall in no way signify or imply that the premises for which it is issued is in conformance or compliance with all portions of the Municipal Code of Cedar Rapids, or the laws of Linn County or the State of Iowa. The City of Cedar Rapids shall maintain no liability in regard to the Certificate of Compliance.

Exception: for an owner occupied single family dwelling, or single family Condominium, or single family Cooperative, provided such dwelling, Condominium or Cooperative has no more than two tenants who are 18 years of age or older and unrelated to the Owner.

b. Requirements for Issuance. The City shall issue a Certificate of Compliance for any rental unit upon request by the owner providing that the rental unit meets the following requirements:

- i. Rental Unit Registration for the rental unit in question is on file with the *code official*; and
- ii. The *code official* determines all provisions of this Chapter have been complied with by the owner; and
- iii. All fees required by the Cedar Rapids City Council have been paid in full.
- iv. The Certificate of Compliance, if withdrawn, shall be restored only upon a re-inspection showing compliance with this code and any additional fees are paid in full.
- v. When a Building Code Certificate of Occupancy is issued by the City of Cedar Rapids for construction of a new dwelling containing one or more units, the *code official* shall issue a Certificate of Compliance when the Rental Unit Registration is complete for that property.

c. Suspension of Certificate of Compliance. The *code official* shall suspend a Certificate of Compliance if the owner has not complied with the requirements set forth in a notice of a code violation. A Certificate of Compliance may be suspended for a given unit without effect on the other units for which the Certificate was issued. The *code official* shall issue a notice of suspended certification to the owner stating that:

- i. the Certificate of Compliance has been suspended as of the date of the notice and the reason for suspension; and
- ii. any rental unit which is vacant at the time of suspension or which becomes vacant during the period of suspension shall not be rented or re-occupied until the Certificate of Compliance is re-instated or a new Certificate of Compliance is issued; and
- iii. failure to comply with the terms of suspension, as set out in this section, shall be a violation of this code; and
- iv. suspension of a Certificate of Compliance may be appealed to the Housing Code Board of Appeals as provided for in Section 107 of this code.

d. Reinstatement. The *code official* will reinstate a suspended Certificate of Compliance after a regular inspection has been completed, fees have been paid in full, and the rental property/unit has been brought into compliance with the applicable standards of this code. Reinstatement of the Certificate of Compliance shall not extend or change the next inspection date of the Certificate of Compliance.

29.60 – SECTION 907 NOTICE UPON OFFER FOR SALE. Every person owning a rental property/unit under this chapter and offering such property for sale shall inform a prospective buyer of the following:

- a. Current status of the Certificate of Compliance; and
- b. Any notice regarding violations of this code, nuisance and zoning codes which are outstanding due to failure to correct violations; and

- c. Full information regarding any court action presently filed against the property along with other required disclosure items in accordance with applicable real estate laws.

29.61 – SECTION 908 UNIFORM RESIDENTIAL LANDLORD AND TENANT LAW. This Subchapter shall not be construed so as to effect in any manner the application of the Uniform Residential Landlord and Tenant Law, presently codified as Chapter 562A of the 2022 Iowa Code, and as amended from time to time.

SUBCHAPTER 10 – Vacant and Neglected Building Regulations

29.62 – SECTION 1001 GENERAL. 1001.1 Scope. The provisions of this subchapter shall govern the requirements for all buildings and structures that are “vacant and neglected,” as that phrase is defined by this code, and have one or more building and housing code violations. The following describes the scope of this subchapter.

- a. Establishes a program for identification, registration, and regulation of building(s) which are or have become vacant and neglected;
- b. Determines the responsibilities of owner(s), as that term is defined by this code, of vacant and neglected building(s), as well as the owner’s authorized agent;
- c. Requires a written abatement plan be provided by the owner(s), or the owner’s authorized agent, to abate the violations;
- d. Provides for administration, enforcement and abatement of continued violations, and the establishment of registration fees; and
- e. Ensures that buildings identified as vacant and neglected are made code compliant within one year from the date said buildings were declared vacant and neglected by the *code official*.

1001.2 Responsibility. It is the responsibility of owner(s) of property to prevent structure(s) thereon from becoming a burden and blight to the neighborhood and community and a threat to the public health, safety, and welfare.

29.63 – SECTION 1002 VACANT AND NEGLECTED BUILDING DETERMINATION. 1002.1 When the *code official* finds that a structure meets the definition of a vacant and neglected building under this code, a notice shall be served upon the owner(s) of record in accordance with Section 109 of this code.

29.64 – SECTION 1003 VACANT AND NEGLECTED BUILDING REGISTRATION. 1003.1 Registration Requirements.

A. Vacant and Neglected Building Registration:

1. The owner(s) or the owner’s authorized agent shall register a vacant and neglected building with the city within thirty (30) calendar days of the *code official* notifying the owner that the *code official* has declared the structure a vacant and neglected building or within thirty (30) calendar days of the building becoming vacant and neglected as defined by this code (regardless of whether the *code official* has officially declared the structure vacant and neglected), whichever is earlier.
2. The registration application shall include the following information:

- a. A description of the premises; address, legal description and GPN number;
- b. The names, addresses and contact phone number(s) for all the owner(s), owner's authorized agent(s) or mortgage lender's account service representative(s);
- c. The names, addresses and contact phone number(s) of all known lienholders and all other interested parties;
- d. The name, address and contact phone number of a person designated to act on behalf of an out of town owner(s), to accept legal process and notices, and to authorize repairs as required (a letter from the legal owner(s) is required to assign a designee); and
- e. Submittal of the written abatement plan required by 29.65 Section 1004 of this code.

B. Vacant and Neglected Building Registration Fees: The owner(s) or owner's authorized agent of a vacant and neglected building shall pay an annual fee for the administrative cost of registering and processing the vacant and neglected building owner registration form and the costs of the city inspecting the building and site. This fee shall be paid in full prior to acceptance of the registration form for the subject property.

C. Inspections: The owner(s) or the owner's authorized agent shall allow the *code official* to enter the property and structure for an initial code compliance inspection at the time of registration and for an annual inspection of the interior and exterior of the premises. Legal action may be taken for properties not brought into compliance with the code within one year of registration as a vacant and neglected property.

D. Failure to register a vacant and neglected building, failure to submit the required abatement plan or the provision of false information to the city shall constitute a violation of this code subjecting the owner(s), or the owner's authorized agent, to penalties as provided in this code.

E. The owner(s) or the owner's authorized agent shall notify the *code official* of any changes in information supplied as part of the building registration within thirty (30) days of the change.

F. Any transfer of ownership after registration as provided herein shall comply with Section 111.6 of this code.

29.65 – SECTION 1004 VACANT AND NEGLECTED BUILDING ABATEMENT PLAN.

1004.1 Abatement Plan Requirements.

The owner(s) or the owner's authorized agent shall submit a written plan of action at the time of registration which shall address all code violations, including the manner in which each violation will be remedied and a time schedule to correct each violation, and identify the date the building will be made code compliant and habitable or available for sale. The *code official* shall require completion of the plan of action within a reasonable period of time.

Any repairs, improvements or alterations to the property must comply with this code and the applicable building codes as referenced in subchapter 8 (Referenced Standards) of this code.

1004.2 Authority to Modify the Abatement Plan.

The *code official* shall, upon notice to the owner(s) or the owner's authorized agent, have the right to modify the vacant and neglected building abatement plan by modifying the dates of performance, the proposed methods of action, or by imposing additional requirements. During

the initial code compliance inspection, additional violations may be noted and required to be compliant as part of the plan. These additional requirements shall become part of the approved plan.

1004.3 Approval of the Abatement Plan.

After completing the code compliance inspection and reviewing the abatement plan of action, the *code official* shall approve, approve with modifications, or deny the plan. If the plan is approved or approved with modifications, the *code official* shall issue a registration permit to the owner or the owner's authorized agent. A copy of the permit will be placed by the *code official* on the structure at a location visible from the street. The registration permit shall have the expiration date on it. Registration permits are valid for one year from the date of issue.

1004.4 Failure to Comply with the Abatement Plan.

Failure to have an approved vacant and neglected building abatement plan within thirty (30) days of filing the registration form or failure to comply with the approved abatement plan within the timeframe approved shall constitute a violation of this code subjecting the owner(s) of the building to penalties as provided in this code.

29.66 – SECTION 1005 APPEAL.

1005.1 Appeal.

Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal in accordance with Section 107 of this code.

29.67 – SECTION 1006 REMOVAL FROM REGISTRATION.

1006.1 Removal requirements.

A vacant and neglected building shall be removed from the registration requirements of this subchapter by the *code official* upon such building:

- A. Being brought into compliance with all housing and building codes and remaining violation free for a period of 90 days after code compliance was achieved.
- B. Being removed or demolished by the owner; or
- C. Being demolished by the City of Cedar Rapids.

29.68 – SECTION 1007 OTHER ENFORCEMENT.

1007.1 Other Enforcement.

The registration of a vacant and neglected building shall not preclude the *code official* from taking other action against the building or property.

APPENDIX A Boarding Standard

29.69 – GENERAL. Section A101.1 of the IPMC is hereby amended by deleting said section and replacing it with the following:

A101.1 General. All boarding and fencing of unsecure, unsafe structures or dangerous locations shall meet the requirements of this section.

Windows, doors and openings shall be secured or boarded in an *approved* manner to prevent entry by unauthorized persons and shall be coated (painted) with an appropriate neutral blending color as approved by the *code official*.

29.70 – BOARDING SHEET MATERIAL. Section A102.1 of the IPMC is hereby amended by deleting said section and replacing it with the following:

A102.1 Boarding sheet material. When a structure is required to be secured, openings shall be secured with a minimum of ½ inch plywood or OSB or such other comparable material as may be approved by the *code official*, sized to fit the opening.

29.71 – BOARDING FRAMING MATERIAL. Section A102.2 of the IPMC is hereby amended by deleting said section and replacing it with the following:

A102.2 Boarding framing material. Framing lumber used shall be of a minimum size to support the covering materials complying with the *International Building Code*.

29.72 – BOARDING FASTENERS. Section A102.3 of the IPMC is hereby amended by deleting said section and replacing it with the following:

A102.3 Boarding fasteners. Fasteners used shall be in accordance with the *International Building Code*.

29.73 – FENCING MATERIALS. Section A102 of the IPMC is hereby amended by adding the following:

Fencing materials. Fencing shall be standard 48 inch snow fence (orange safety fencing commonly used in construction projects). Standard “T” posts with a flange and clip shall be used to support the fencing.

29.74 – FENCING INSTALLATION. Section A103 of the IPMC is hereby amended by adding the following:

Fencing installation. The fencing shall be installed to secure areas that are unsafe or dangerous as directed by the *code official*. Fencing shall be standard 48 inch snow fence (orange safety fencing commonly used in construction projects) supported by “T” posts with flange and clips to fasten to the posts. Posts will be spaced 6 – 8 feet apart with a flange below grade to sufficiently hold fencing from falling over. The safety fencing shall be secured to the “T” posts in a manner that they will not sag or become dislodged under normal conditions.

29.75 – A103.3 WINDOWS. Section A103.3 of the IPMC is hereby deleted.

29.76 – A103.4 DOOR WALLS. Section A103.4 of the IPMC is hereby deleted.

29.77 – A103.5 DOORS. Section A103.5 of the IPMC is hereby amended by deleting said section and replacing it with the following:

One door to the *structure* shall be available for authorized entry and shall be secured and locked in an *approved* manner.

29.78 – A104.1 REFERENCED STANDARD. Section A104.1 of the IPMC is hereby deleted.

APPENDIX B

Board of Appeals

29.79 – B101.2 APPLICATION FOR APPEAL. Section B101.2 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Application for appeal. Any person shall have the right to appeal a decision of the *code official* or a notice of order issued under this code to the Housing Board of Appeals. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the *code official* within 20 days after the notice was served.

B101.2.1 Limitation of authority. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

B101.2.2 Stays of enforcement. Appeals of notice and orders, other than *Imminent Danger* notices, shall stay the enforcement of the notice and order until the appeal is heard by the board.

Waiver. Failure of any person to file an appeal request in accordance with the provisions of this code shall constitute a waiver of the right to a Housing Board of Appeals hearing and adjudication of the notice or order, or any portion thereof.

29.80 – B101.3 MEMBERSHIP OF THE BOARD. Section B101.3 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Membership of the board. There is hereby established a board to be known as the Housing Board of Appeals, which consists of 7 members appointed by the Mayor with the advice and majority consent of the City Council. The members of the board shall be appointed for 3 year terms, with any successive appointment for a 3 year term following the expired term. Any one or more members of such board shall be subject to removal or replacement by the City Council at any time, for cause, after a public hearing before the City Council. Vacancies on such board shall be filled by the appointing authority for the unexpired term of such vacancy. The members of such board shall serve without compensation and shall be residents of the City of Cedar Rapids, Iowa. The *code official* shall be an ex officio member of said board but shall not vote on any matter before the board.

29.81 – B101.3.1 QUALIFICATIONS. Section B101.3.1 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Qualifications. The board shall consist of seven individuals, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

29.82 – B101.3.2 ALTERNATE MEMBERS. Section B101.3.2 of the IPMC is hereby deleted.

29.83 – B101.3.4 CHAIRPERSON. Section B101.3.4 of the IPMC is hereby deleted.

29.84 – B101.3.5 SECRETARY. Section B101.3.5 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Secretary. The chief appointing authority shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings which shall set forth the reasons for the board's decision, the vote of each member, the absence

of a member and any failure of a member to vote. The Building Services Department Administrative Assistant will serve as Secretary.

29.85 – OFFICERS. Section B101.3 of the IPMC is hereby amended by adding the following:

Officers. Officers of the board shall be elected by the members of the board at the annual meeting of the board, including a Chairperson.

29.86 – APPEAL. Section B101.3 of the IPMC is hereby amended by adding the following:

Appeal. All appeals and requests to the board shall be filed with the Building Services Department Administrative Assistant or code official for this code. An appeal fee as set by the City Council resolution shall accompany each appeal.

29.87 – PROCEDURE. Section B101.3 of the IPMC is hereby amended by adding the following:

Procedure. The board shall establish its own rules of procedure for accomplishment of its duties and function provided that such rules are not in conflict with the provisions of this code or Iowa law. Copies of the rules of procedure adopted by the board shall be available from the *code official*.

29.88 – B101.5 NOTICE OF MEETING. Section B101.5 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Notice of meeting. The board shall meet at regular intervals to be determined by the Chairperson but, in any event, the board shall act upon the appeal within 30 days after a request for a hearing has been received by the Building Services Department Administrative Assistant or code official for this code. Reasonable notice of the place, time, and date of such meeting shall be given to all members of the board and all interested parties in each case to be heard by the board.

29.89 – B101.5.2 QUORUM. Section B101.5.2 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Quorum. A quorum shall consist of a minimum of two-thirds of the board membership.

29.90 – B101.5.3 POSTPONED HEARING. Section B101.5.3 of the IPMC is hereby amended by deleting said section and replacing it with the following:

Postponed hearing. When a quorum consisting of a minimum of two-thirds of the board membership is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

29.91 – MINUTES/COPIES. Section B101.5 of the IPMC is hereby amended by adding the following:

Minutes/Copies. Minutes of all meetings shall be prepared and maintained as part of the public record. The decision of the board shall be recorded. Copies shall be furnished to the appellant and the *code official*.

29.92 – EXTENSION OF TIME. Section B101.5 of the IPMC is hereby amended by adding the following:

Extension of Time. In lieu of, or in addition to, administrative extensions, the Housing Board of Appeals may grant an extension or extensions of time for the compliance of any order or

notice, provided that the board makes a determination that there are practical difficulties or unnecessary hardship in carrying out the strict letter of any notice or order.

29.93 – PETITION FOR CERTIORARI. Section B101.7 of the IPMC is hereby amended by adding the following:

Petition for Certiorari. Any person or persons, jointly or severally, aggrieved by any decision of the Housing Board of Appeals under the provisions of this code, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the decision of the board.”

Section 2. VALIDITY AND SEVERABILITY. The sections, subsections, chapters or parts of this Ordinance and the International Property Maintenance Code hereby adopted are hereby declared to be severable and in the event that any such part of these provisions shall be held invalid for any reason, the invalidity of such section, subsection, chapter or part shall not invalidate any other of the provisions of this Ordinance or of the International Property Maintenance Code hereby adopted.

Section 3. ADOPTION OF CODE. Pursuant to the published notice, a public hearing has been duly conducted upon the date, time, and at the place fixed in said notice upon the adoption of this Housing and Property Maintenance Code and the City Council of the City of Cedar Rapids, Iowa, hereby determines and finds that said proposed Housing and Property Maintenance Code shall be and the same is hereby adopted as an ordinance of the City of Cedar Rapids, Iowa.

Section 4. CODE ON FILE. An official copy of the Housing and Property Maintenance Code hereby adopted, including a certificate by the City Clerk as to its adoption and the effective date thereof, is on file in the office of the City Clerk in City Hall, and shall be kept there on file and copies shall be available for public inspection.

Section 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

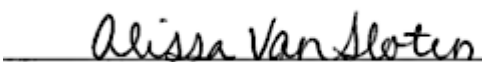
Introduced this 26th day of July, 2022.

Passed this 9th day of August, 2022.

Voting: Council member Poe moved the adoption of the ordinance; seconded by Council member Todd. Adopted, Ayes, Council members Loeffler, Olson (Scott), Olson (Tyler), Overland, Poe, Todd, Vanorny and Mayor O'Donnell.


Tiffany D. O'Donnell, Mayor

Attest:


Alissa Van Sloten, City Clerk

