

## ORDINANCE NO. 011-09

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF CEDAR RAPIDS, IOWA, BY REPEALING CHAPTER 29 THEREFROM AND ENACTING A NEW CHAPTER 29 IN LIEU THEREOF AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the Municipal Code of the City of Cedar Rapids, Iowa, is amended as follows:

**Section 1.** That Chapter 29, Municipal Code, City of Cedar Rapids, Iowa, be repealed, and the following new Chapter 29 be enacted in lieu thereof:

**“CHAPTER 29 HOUSING CODE**

**29.01 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.** Except as hereinafter added to, deleted, modified, or amended, the International Property Maintenance Code, 2006 edition, as published by the International Code Council (hereinafter the “IPMC”) is hereby adopted as the Housing Code of the City of Cedar Rapids, Iowa. The provisions of said housing code shall be controlling for ensuring public health, safety and welfare in so far as they are affected by the occupancy and maintenance of structures and premises and in all matters covered by said Housing Code within the corporate limits of the City of Cedar Rapids, Iowa, and shall be known as the Cedar Rapids Housing Code.

**29.02 GENERAL**

The Cedar Rapids Housing Code is hereby amended by repealing Sections 101.1 and 101.2 from the IPMC and replacing them with the following new Sections 101.1 and 101.2:

**101.1 Title.** These regulations shall be known as the *Property Maintenance Code* of Cedar Rapids, hereinafter referred to as “this code”.

**101.2 Scope.** The provisions of this code shall apply to all existing residential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. The provisions of section 304 of this code shall apply to non-residential structures.

**29.03 APPLICABILITY**

The Cedar Rapids Housing Code is hereby amended by adding the following new Sections 102.2.1, and 102.3.1 to Section 102 of the IPMC and repealing Section 102.6 from the IPMC and replacing it with the following new Section 102.6:

**102.2.1 Supplied Facilities and Equipment.** Facilities and equipment not required by this code shall be maintained in safe and operable condition by the owner or operator except when there is an agreement between the owner or operator and the occupant stating that the occupant shall perform the duties as specified herein. All supplied refrigerators, stoves, and ranges shall be maintained in safe working condition.

**102.3.1 Application of local code** The current Cedar Rapids Municipal Code regarding Building, Fire, Fuel Gas, Mechanical, Plumbing, and Zoning Codes shall apply where ever there is reference in this code to other International Codes, such as the International Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Electrical Code, International Zoning Code.

**102.6 Historic buildings.** Historic buildings or structures shall comply with this code and Chapter 18 of the Municipal Code. Where differences occur between the provisions of this code and Chapter 18 of the Municipal Code, the specific applicable provision of Chapter 18 of the Municipal Code shall apply.

#### **29.04 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION**

The Cedar Rapids Housing Code is hereby amended by deleting Sections 103.2, 103.3 and 103.4 of the IPMC and repealing Sections 103.1 and 103.5 of the IPMC and replacing them with the following new Sections 103.1 and 103.5:

**103.1 General.** The official in charge of the Code Enforcement Division or his/her designee(s) shall be known as the code official.

**103.5 Fees.** The City Council of the City of Cedar Rapids, Iowa may by resolution prescribe fees for activities and services performed by personnel of the Code Enforcement Division of the Fire Department. Fees shall be paid prior to the issuance of a Certificate of Compliance.

#### **29.05 DUTIES AND POWERS OF CODE OFFICIALS**

The Cedar Rapids Housing Code is hereby amended by repealing sections 104.3 and 104.7 from the IPMC and replacing them with the following new sections 104.3 and 104.7 and by adding the following new sections 104.3.1, 104.3.2 and 104.4.1:

**104.3 Inspections.** The code official shall make all of the required inspections, or may accept reports of inspection by approved agencies or individuals. The code official supervising Housing Inspection may establish the frequency and types of inspections.

**Exception:** The code official may establish guidelines for inspections of a property.

**104.3.1 Basis for inspection.** Inspections of owner-occupied property shall occur on complaint to a housing inspector, an observation by the housing inspector or by designation of the City Council an area where all properties are inspected. Inspections of rental properties shall be based upon written complaint to the housing inspector, an observation by the City of a violation or the absence of a COC.

**104.3.2 Regular rental inspection.** Inspections of rental property and the common areas thereof shall be inspected in accordance with a program of regular rental inspections, which shall not be more frequently than yearly nor less frequently than every 5 years.

**104.4.1 Search Warrant.** If consent to inspect building is withheld by any person or persons having the lawful right to exclude, the Housing Inspector may apply to the Iowa District Court in and for Linn County for a search warrant of the building. No owner/operator or occupant or any other person having charge, care or control of any dwelling unit, rooming unit, structure or premises shall fail or neglect, after presentation of a search warrant, to properly permit entry therein by the Housing Inspector or his/her authorized representative for the purpose of inspection and examination pursuant to the Code.

## **29.06 APPROVAL.**

The Cedar Rapids Housing Code is hereby amended by repealing Section 105 of the IPMC.

## **29.07 VIOLATIONS.**

The Cedar Rapids Housing Code is hereby amended by repealing Section 106 of the IPMC.

## **29.08 NOTICES AND ORDERS**

The Cedar Rapids Housing Code is hereby amended by deleting Section 107.4 from the IPMC and by repealing Sections 107.2 and 107.3 of the IPMC and replacing them with the following new Sections 107.2 and 107.3:

**107.2 Form.** Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right of appeal.
6. Be served in accordance with the provisions of Section 107.3.
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/operator of the premises as long as the violation exists and there remains an official copy of the notice in a public file maintained by the Housing Inspector.

**107.3 Method of Service.** Unless otherwise specified herein, any notice or order required under this code shall be deemed to be properly served upon such owner, operator or occupant if a copy thereof is delivered to him/her personally or if not found by leaving a copy thereof at his/her usual place of abode or employment, with a person residing in the same abode who is at least 18 years old, or working at the same place of employment; by regular mail to his/her last known address and if returned showing that it has not been delivered, by posting a copy thereof in a conspicuous place on or about the dwelling affected by the notice. 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.

## **29.08 UNSAFE STRUCTURES AND EQUIPMENT**

The Cedar Rapids Housing Code is hereby amended by repealing section 108.4 of the IPMC and replacing it with the following new section 108.4 and by adding the following new Section 108.6:

**108.4 Placarding.** Upon failure of the owner or responsible party to comply, the code official shall post on the property or equipment a placard bearing a statement of the penalties for occupying the premises, operating equipment or removing the placard.

**108.6** Access to a placarded property is only allowed with written approval of the code official. Such written approval will specify the person or persons who are allowed access to the property and the hours access is allowed.

## **29.09 EMERGENCY MEASURES**

The Cedar Rapids Housing Code is hereby amended by repealing Section 109 of the IPMC.

## **29.10 DEMOLITION**

The Cedar Rapids Housing Code is hereby amended by repealing Section 110.4 of the IPMC.

## **29.11 MEANS OF APPEAL**

The Cedar Rapids Housing Code is hereby amended by repealing section 111 of the IPMC and replacing it with the following new section 111:

### **SECTION 111 MEANS OF APPEAL**

**111.1 Appointment.** 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 approval 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.

**111.1.2** Officers of the Board shall be elected by the members at the annual meetings of the Board.

**111.1.3** All appeals and requests to the Board shall be filed with the Housing Code Administrator's office.

**111.2 Procedure.** The Housing Board of Appeals shall establish its own rules of procedure for accomplishment of its duties and functions provided that such rules shall not be in conflict with the provisions of this code and the laws of the state of Iowa. Copies of the rules of procedure adopted by the Board shall be made available to the public by the Housing Inspector.

**111.3 Meetings.** 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 40 days after a request for a hearing has been received in the office of the Housing Code Administrator. 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.

**111.4 Minutes.** Minutes of all meetings of the Housing Board of Appeals shall be prepared and maintained as part of the public record.

**111.5 Appeals.** Any person or persons adversely affected by any written notice or order of the Housing Inspector may appeal to the Housing Board of Appeals. An appeal fee as set by Council resolution shall accompany each appeal.

**111.5.1** 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 to the board of appeals, provided that a

written application for appeal is filed within 35 days of the date of the initial notice of violation or order under this code. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

**111.6 Waiver.** Failure of any person to file an appeal request in accordance with the provisions of this code shall constitute a waiver of his/her right to an administrative hearing and adjudication of the notice or order, or to any portion thereof.

**111.7 Decisions.** The Board of Appeals shall not have the authority to waive requirements of this code.

**111.8 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 hardships in carrying out the strict letter of any notice or order.

**111.9 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 chapter, 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 filing of the decision of the office of the Board. (85-05)

## **29.12 CERTIFICATION**

The Cedar Rapids Housing Code is hereby amended by adding the following new section 112 Certification.

### **112 Certification.**

(a) **Certificate of Compliance.** A certificate of compliance shall mean a document which shows that the unit or units for which it is issued was in compliance with the applicable provisions of this code at the time of the last inspection. The certificate shall be automatically transferred from one owner or operator to another. The date of issuance of a new certificate of compliance shall be the date of the initial inspection of the property as required by Section 104.3.2 A certificate of compliance shall state the date of last inspection, the address of the structure to which it is applicable and the type or classification of the dwelling.

(b) **Disclaimer.** 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 the Fire or Zoning Code of the City of Cedar Rapids, Iowa.

(c) **Registration.** Each owner/operator, title holder or contract purchaser of rental property subject to the provisions of this chapter shall register the same with the office of the Housing Code Administrator within 30 days of transfer of title or possession of such property. Failure to comply will constitute a violation. It shall be the responsibility of the owner, title holder, contract purchaser or operator of the rental property to inform the office of the Housing Code Administrator of any change in address for the purposes of conducting business and communicating with the office of the Housing Code Administrator.

The owner or operator shall then be issued a certificate of registration acknowledging registration of the rental property only, and specifically stating that such certificate does not indicate that the property meets the requirements of the Cedar Rapids Housing Code. No person shall rent, lease or let for occupancy any dwelling unit or rooming unit unless the

property has been registered as above provided. The Housing Code Administrator will provide the registrant with a certificate of registration within 30 days of such registration. A registration fee as set by Council resolution shall accompany such registration form.

(d) **Certificate of Compliance.** The City of Cedar Rapids shall issue a certificate of compliance which shall be obtainable from the office of the Housing Code Administrator when:

1. There exists a certificate of registration on file with the office of the Housing Code Administrator;
2. It has been determined by a Housing Inspector that the provisions of this code have been complied with by the owner or operator; and
3. Inspection fees, the amount of which shall be determined by resolution of the City Council of Cedar Rapids, has been received by the Housing Inspector. The certificate, if withdrawn, shall be restored only upon a reinspection showing compliance with this code and any additional fees due are paid in full.
4. Additionally, when a certificate of occupancy is issued by the City of Cedar Rapids Department of Community Development for new construction or comprehensive rehabilitation of a dwelling containing one or more units, the Housing Code Administrator shall issue a certificate of compliance upon registration of the property.

(e) **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 unit or rooming unit (except a rooming unit or units located within an owner-occupied, single family dwelling or condominium or **COOPERATIVE** containing no more than 2 roomers) unless the owner or operator holds a valid rental certificate of compliance.

(f) **Validity of Certificate of Compliance.** A certificate of compliance shall be valid during the term of the inspection cycle unless suspended as set forth below.

(g) **Suspension of Certificate of Compliance.** The Housing Code Administrator shall suspend a certificate of compliance if the owner or operator has not complied with a notice of code violation. The Administrator shall issue a notice of suspended certification to the owner or operator that includes the following information:

1. That the certificate of compliance has been suspended as of the date of the notice;
2. The reason for the suspension;
3. That any rental unit that is vacant at the time of suspension or which becomes vacant during the period of suspension shall not be rented or reoccupied until the certificate of compliance is reinstated or a new certificate of compliance is issued;
4. That failure to comply with the terms of suspension, as set out in this section, shall be a violation of this code;
5. That suspension of a certificate of compliance may be appealed to the Housing Board of Appeals as provided for in Section 111 of this code.

(h) **Reinstatement of Suspended Certificate of Compliance.** The Housing Code Administrator will reinstate a suspended certificate of compliance after a regular inspection has been completed, fees have been paid, and the property has been brought into compliance with the applicable standards of this code. Reinstatement of the certificate shall not extend or change the next inspection date of the certificate.

(i) **Notice on Sale of Dwelling.** Every person owning a rental property under this chapter and offering such property for sale shall inform a prospective buyer of the following:

1. Current status of the certificate of compliance;
2. Any notice regarding violations of the housing code that is outstanding due to failure to correct violations;
3. Full information regarding any court action presently filed against the property. (85-05)

### **29.13 GENERAL DEFINITIONS**

The Cedar Rapids Housing Code is hereby amended by adding the following new definitions for CONDOMINIUM, COOPERATIVE, HOUSING CODE ADMINISTRATOR, MULTIPLE DWELLING, and SUPPLIED to section 202 of the IPMC and repealing the definition for BEDROOM of section 202 in the IMPC and replacing it with the following new definition for BEDROOM:

**BEDROOM.** Bedroom shall mean a habitable room within a dwelling unit that meets the minimum requirements for natural light and ventilation, and electrical as stated herein this code. Existing basement bedroom window to floor sill height is not to exceed 48 inches.

**CONDOMINIUM.** Condominium shall mean a dwelling unit which is in compliance or conformance with the requirements of Chapter 499B of the Code of Iowa.

**COOPERATIVE.** Cooperative shall mean a dwelling unit which is in compliance or conformance with the requirements of Chapter 499A of the Code of Iowa.

**HOUSING CODE ADMINISTRATOR.** Housing Code Administrator shall mean the Housing Chief Inspector's supervisor or his/her designated alternate.

**MULTIPLE DWELLING.** Multiple dwelling shall mean any dwelling containing 3 or more dwelling units or 3 or more rooming units or 3 or more of any combination thereof

**SUPPLIED.** Supplied shall mean paid for, furnished by, provided by or under the control of the owner or operator.

### **29.14 GENERAL REQUIREMENTS**

The Cedar Rapids Housing Code is hereby amended by repealing section 301.3 and replacing it with the following new section 301.3 and by adding the following new Section 301.4:

**301.3 Vacant Structures.** Vacant structures shall be maintained clean, safe, secure and sanitary as provided herein so as not to cause a blighting problem or adversely affect public health or safety.

**301.4 Supplied Facilities.** Facilities and equipment not required by this code shall be maintained in safe and operable condition by the owner or operator except when there is an agreement between the owner or operator and the occupant stating that the occupant shall perform the duties as specified herein. Modifications of said structures shall satisfy current code requirements.

### **29.15 EXTERIOR PROPERTY AREAS**

The Cedar Rapids Housing Code is hereby amended by deleting Sections 302.4, 302.5, 302.6, and 302.9 of the IPMC; by repealing Section 302.1 of the IPMC and replacing it with the following new Section 302.1; by repealing Section 302.2 of the IPMC and replacing it with the following new Section 302.2; and by repealing Section 302.8 replacing it with the following new Section:

**302.1 Sanitation.** The occupant shall keep that part of the exterior of the property which such occupant occupies or controls clean and sanitary. Household furniture shall not be permitted to be stored or placed on an unenclosed porch or on the premises. Appliances and similar equipment shall not be stored on the exterior of the property.

**302.2 Grading and Drainage.** Premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**302.8 Motor Vehicles.** Except as provided for in this section or 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. Painting of vehicles is prohibited unless conducted inside an approved spray booth. A vehicle of any type is permitted to be stored or undergo a major overhaul, including body work, provided such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

## **29.16 SWIMMING POOLS, SPAS, AND HOT TUBS**

The Cedar Rapids Housing Code is hereby amended by repealing Section 303 from the IPMC.

## **29.17 EXTERIOR STRUCTURE**

The Cedar Rapids Housing Code is hereby amended by repealing Sections 304.2, 304.7, 304.14, 304.18, and 304.18.1 of the IPMC and replacing said sections with the following new Sections 304.2, 304.7, 304.14, 304.18, and 304.18.1:

**304.2 Protective Treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, etc. shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of the windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust shall be free of rust and corrosion.

**304.7 Roofs and Drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. 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 and sump pumps shall drain away from foundation.

**304.14 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 not less than 16 mesh per in (16 mesh per 25mm).

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

**304.18 Building Security.** Doors, windows or hatchways for dwelling units, room units, or housekeeping units shall be provided with devices designed to provide security for the occupants and property within and shall be lockable from the inside of the unit.

**304.18.1 Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let that are equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order.

## 29.18 INTERIOR STRUCTURE

The Cedar Rapids Housing Code is hereby amended by adding Section 305.7 and repealing sections 305.1, 305.4 and 305.6 of the IPMC and replacing them with the following new sections 305.1, 305.4 and 305.6:

**305.1 General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a dormitory, two or more dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the structure.

**305.4 Stairs and walking surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair. Every stair shall have uniform riser height and uniform tread width which shall be adequate for safe use.

**305.6 Interior doors.** Every doorway within a dwelling unit shall be at least 6 feet high and 24 inches wide and shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers, or tracks as intended by the manufacturer of the attachment hardware.

## 29.19 RUBBISH AND GARBAGE

The Cedar Rapids Housing Code is hereby amended by deleting Sections 307.3, 307.3.1 and 307.3.2 from the IPMC and by repealing Sections 307.2, 307.2.1 and 307.2.2 from the IPMC and replacing them with the following new Sections 307.2, 307.2.1 and 307.2.2:

**307.2 Disposal of Rubbish and Garbage.** Every occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such rubbish and garbage in approved containers.

**307.2.1 Rubbish and Garbage Storage Facilities.** Every owner or operator of a structure or complex containing 5 or more dwelling units shall contract with a commercial disposal company to provide a container(s) and regular scheduled removal of garbage so that no trash is over the top of the container or on the ground. Tenants/occupants will be responsible for supplying containers in all other occupancies and making available for city pickup. Such containers shall be sufficient in number and size to completely contain all waste.

**307.2.2 Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, or stored on premises without first removing the doors.

## 29.20 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS - GENERAL

The Cedar Rapids Housing Code is hereby amended by repealing Section 401.3 of the IPMC and replacing it with the following new Section 401.3:

**401.3 Alternate Devices.** In habitable non-sleeping rooms, artificial light or mechanical ventilation shall be permitted in lieu of natural light and ventilation herein prescribed, as long as compliance with the International Residential Code is met.

## 29.21 VENTILATION

The Cedar Rapids Housing Code is hereby amended by deleting Section 403.4 from the IPMC and by repealing Section 403.2 and replacing it with the following new Section 403.2:

**403.2 Bathrooms and Toilet rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge into an attic within 4 inches of roof vent or directly to the outdoors and shall not be recirculated.

## **29.22 OCCUPANCY LIMITATIONS**

The Cedar Rapids Housing Code is hereby amended by repealing Sections 404.1, 404.2, 404.3, 404.4.1, 404.4.2 and section 404.5 and replacing them with the following new Sections 404.1, 404.2, 404.3, 404.4.1, 404.4.2 and section 404.5:

**404.1 Privacy.** Dwelling units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**404.2 Minimum Room Widths and Accommodation.** A habitable room, other than a kitchen, shall not be less than 7' in any plan dimension. Kitchens shall contain space capable of properly accommodating a refrigerator and a stove or range and/or a microwave oven.

**404.3 Minimum ceiling heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

**Exception:** Rooms occupied for sleeping purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134mm) over not less than one-third of the required minimum floor area.

**404.4.1 Room Area.** Every bedroom shall contain at least 70sq ft (6.5m<sup>2</sup>).

**404.4.2 Access from bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from habitable spaces.

**Exception:** This provision shall be waived upon a showing to the Housing Inspector that a family is occupying the affected unit as one housekeeping organization.

**404.5 Overcrowding.** The dwelling unit shall have at least one habitable room for each 2 persons.

## **29.23 REQUIRED FACILITIES**

The Cedar Rapids Housing Code is hereby amended by deleting Sections 502.3 and 502.4 from the IPMC.

## **29.24 TOILET ROOMS**

The Cedar Rapids Housing Code is hereby amended by deleting Section 503.3 of the IPMC and repealing Sections 503.1, 503.2 and 503.4 of the IPMC and replacing them with the following new Sections 503.1, 503.2 and 503.4:

**503.1 Privacy.** Toilet rooms and bathrooms shall provide privacy and shall not be the only passageway to a hall or other space, or to the exterior. A door and lock shall be provided for all bathrooms.

**503.2 Location.** Toilet rooms and bathrooms serving rooming units, dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**503.4 Floor Surface.** Every toilet room floor surface, bathroom floor surface and kitchen or kitchenette floor surface shall be constructed and maintained so as to permit such floor to be easily kept in a clean, dry and sanitary condition. If replacing, every bathroom or toilet room floor shall be replaced with a smooth, hard, nonabsorbent surface.

## **29.25 WATER SYSTEM**

The Cedar Rapids Housing Code is hereby amended by repealing Sections 505.2 and 505.3 of the IPMC and replacing them with the following new Sections 505.2 and 505.3:

**505.2 Contamination.** The water supply shall be free from contamination, and all water inlets for plumbing fixtures shall be above flood level of the rim of the fixture.

**505.3 Supply.** The water supply system shall be installed and maintained to provide a supply of water to fixtures in sufficient volume of one gallon per minute and pressures adequate to enable the fixtures to function properly, safe, and free from leaks and defects.

## **29.26 STORM DRAINAGE**

The Cedar Rapids Housing Code is hereby amended by repealing Section 507.1 of the IPMC and replacing it with the following new Section 507.1:

**507.1 Storm Drainage.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall be maintained in good state of repair and so installed as to direct rainwater away from any structure.

## **29.27 HEATING FACILITIES**

The Cedar Rapids Housing Code is hereby amended by deleting Sections 602.3, 602.4 and 602.5 of the IPMC and repealing Section 602.2 of the IPMC and replacing it with the following new Section 602.2:

**602.2 Residential Occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees in all habitable rooms, bathrooms and toilet rooms. The required room temperatures shall be measured 3' above floor and 2' inward. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

## **29.28 MECHANICAL EQUIPMENT**

The Cedar Rapids Housing Code is hereby amended by repealing Section 603.1 of the IPMC and replacing it with the following new Section 603.1 and adding the following new Section 603.1.1:

**603.1 Mechanical Appliances.** The 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. At the time of each regular rental inspection,

every furnace, boiler, etc., must be checked by a licensed mechanical contractor or certified service technician for proper drafting, combustion and integrity of total operation system which shall include the thermostat, gas valve, vent and/or chimney and determine that carbon monoxide levels are within safe limits for human habitation (exception when heating equipment has been installed within 2 years of the regular inspection with proper documentation of installation date), or an approved fuel burning devices status report within the last 12 months

**603.1.1 Prohibited Furnace Location.** No fuel-burning furnace shall be located within any sleeping room or bathroom unless provided with adequate ducting for combustion air supply from the exterior and the combustion chamber for such heating unit shall be sealed from the room in an air-tight manner.

## **29.29 ELECTRICAL FACILITIES**

The Cedar Rapids Housing Code is hereby amended by repealing Section 604.2 of the IPMC and replacing it with the following new Section 604.2:

**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 the ICC *Electrical Code*.

## **29.30 ELECTRICAL EQUIPMENT**

The Cedar Rapids Housing Code is hereby amended by repealing Section 605.2 of the IPMC and replacing it with the following new Section 605.2 and by adding the following new Sections 605.2.1, 605.2.2 and 605.2.3:

**605.2 Receptacles.** Every habitable room shall contain one switched light fixture and 2 duplex outlets in each habitable room or one switched duplex outlet and one other duplex outlet. Duplex outlets shall be separate and remote, and where possible, located on opposite walls.

**605.2.1 Location to Water Source.** All outlets located above and adjacent to work counters within 3 feet of a sink or water source shall be ground fault type.

**605.2.2 Bathrooms and Toilet Rooms.** Every bathroom and toilet rooms shall contain at least one ground fault type receptacle. Any new bathroom receptacle shall have GFCI protection.

**605.2.3 Exterior.** All exterior outlets must be GFCI (Ground Fault Circuit Interrupter) protected with covers.

## **29.31 MEANS OF EGRESS**

The Cedar Rapids Housing Code is hereby amended by adding the following new Sections 702.4.1, 702.4.2, and 702.5:

**702.4.1 General.** Every dwelling unit and rooming unit shall have at least one exit. When one or more living/sleeping rooms are provided on the third floor, a second exit shall be provided if the distance from the egress window is more than 2 stories to the ground (up to a 2 story drop from a third floor window to a first or second floor porch roof or appurtenance). Every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue which shall open directly into a public street, public alley, yard or exit court. The emergency door or window shall be operable from the inside to provide a full, clear opening without the use of separate tools.

**702.4.2 Fire Escapes.** Fire escapes may be used as one means of egress, if the incline does not exceed 60 degrees, the width is not less than 18 inches, the treads are not less than 4 inches wide and they extend to no more than 7 feet from the surface elevation or are provided with counterbalanced stairs reaching to no more than 7 feet from the surface elevation. Access shall be by an opening having a minimum dimension of 29 inches in height when open. The sill shall be not more than 36 inches above the floor and landing.

A. A ladder device when used in lieu of a fire escape shall conform to the following:

- (1) Serve an occupant load of 10 people or less;
- (2) The building does not exceed 3 stories in height;
- (3) The access is adjacent to a window opening having a sill not more than 48 inches above the interior floor surface for emergency egress or from a platform or balcony;
- (4) The device does not pass in front of any building opening below the unit being served.

**702.5 Fire Extinguishers.** All fire extinguishers shall be maintained in an operative condition at all times and shall be replaced or repaired when defective in accord with the Cedar Rapids Fire Code.

1. Single Family Structure (Rental). One 1A10BC fire extinguisher shall be provided in a properly mounted readily accessible location preferably located near an exit and near the kitchen.

2. Multifamily Structures. Shall provide 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 may provide one 2A10BC fire extinguisher on each occupied level within 75 feet of each dwelling unit extinguishers must be readily accessible to all occupants for which they are provided.

3. One 2A10BC fire extinguisher shall be provided in a properly mounted readily accessible location located on the same level, within 75 feet for each laundry room that is shared by 2 or more dwelling units."

**Section 2. Penalty** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, occupy, use or maintain any building or structure in the City or cause the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any provision, section or paragraph of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof be subject to a fine of not more than \$625.00 or be imprisoned for not more than 30 days. Each day a violation occurs shall constitute a separate violation.

Additionally, violation of any provision, section, or paragraph of this ordinance constitutes a municipal infraction subject to all the penalties and other relief provisions as set forth in Iowa Code Section 364.22.

Likewise as part of the penalty provisions of this Ordinance, Sections 1.06 and 1.12 of the Municipal Code, City of Cedar Rapids, Iowa are adopted, and shall apply to this ordinance, and supersede the penalty clause as above provided when this Ordinance is incorporated into and made a part of the Municipal Code, City of Cedar Rapids, Iowa, and such penalty clause is herewith adopted and made applicable to all violations of this Ordinance.

**Section 3.** The various sections, subsections, chapters or parts of this Ordinance and of the International Property Maintenance Code hereby adopted are severable, and in the event that any such part of these provisions shall be held unconstitutional or 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 4.** That changes as provided in this Ordinance shall be made a part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.

**Section 5.** That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 11<sup>th</sup> day of March, 2009.

Passed this 25<sup>th</sup> day of March, 2009.

Kay Halloran, Mayor

ATTEST:

Ann Allinger, City Clerk

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