

ORDINANCE NO. 025-12
 2012 HOUSING CODE

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ORDINANCE NO. 025-12

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF CEDAR RAPIDS, IOWA, BY REPEALING CHAPTER 29 THEREOF ENTITLED "HOUSING: LICENCED AND RENTAL REGISTRATION OF RESIDENTIAL HOUSING" AND THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE WITH AMENDMENTS, ESTABLISHING A LICENSED RENTAL REGISTRATION PROGRAM WITH A CRIME FREE AGREEMENT AND ESTABLISHING FEE PROVISIONS'; AND ENACTING AND ADOPTING A NEW CHAPTER 29 IN LIEU THEREOF ENTITLED "HOUSING CODE" BEING THIS ORDINANCE HEREAFTER SET OUT, WHICH ADOPTS BY REFERENCE, WITH CERTAIN LOCAL AMENDMENTS, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION, INCLUDING APPENDIX A, AND PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, FOR REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES AS PROVIDED; PROVIDING FOR THE TERMS OF AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND 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. Chapter 29 of the Municipal Code of the City of Cedar Rapids, Iowa, entitled, "HOUSING: LICENCED AND RENTAL REGISTRATION OF RESIDENTIAL HOUSING" AND THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE WITH AMENDMENTS, ESTABLISHING A LICENSED RENTAL REGISTRATION PROGRAM WITH A CRIME FREE AGREEMENT AND ESTABLISHING FEE PROVISIONS" is hereby repealed and a new Chapter 29 is hereby adopted in lieu thereof, as follows:

"HOUSING CODE"

29.01 INTERNATIONAL PROPERTY MAINTENANCE CODE 2012 ADOPTED. Except as hereinafter added to, deleted, modified, or amended, there is hereby adopted as the Housing Code of the City of Cedar Rapids, Iowa, that certain code known as the International Property Maintenance Code, 2012 First Printing, including Appendix A, as published by the International Code Council.

The provisions of said Housing 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; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as provided within the corporate limits of the City of Cedar Rapids, Iowa, and shall be known as the Housing Code.

29.02 101.1 TITLE. Section 101.1 is hereby amended by repealing Section 101.1 Title, and replacing said section with the following:

Section 101.1 Title. These regulations shall be known as the Housing Code which includes the 2012 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 Maintenance as follows:

Exception. The owner or owner's 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 Application of other codes, is hereby amended by repealing Section 102.3 Application of other codes, and replacing same

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, Fire Code, Fuel Gas Code, Mechanical Code, Residential Code, Plumbing Code, and the Electrical 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 GENERAL. Section 103.1 General is hereby amended by repealing Section 103.1 General, and replacing same with the following:

Section 103.1 General. The executive official in charge of administration of this code shall be known as the code official.

29.06 103.5 FEES. Section 103.5 Fees is hereby amended by repealing Section 103.5 Fees, and replacing same with the following:

Section 103.5 Fees. The City Council of the City of Cedar Rapids, Iowa may by resolution prescribe the occasions when fees for license, rental registrations, and inspections are required.

29.07 104.3.1 WARRANT. Section 104.3.1 Warrant, is hereby added as follows:

Section 104.3.1 Warrant. When the code official has first obtained 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.

29.08 106.2 NOTICE OF VIOLATION. Section 106.2 is hereby amended by adding Section 106.2.1 Violation notice and compliance, as follows:

Section 106.2.1 Violation notice and compliance. The code official shall notify the owner in writing for the basis of any inspection. If, upon completion of an inspection, a rental unit is found to be in violation of one or more provisions of the 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 shall be issued. The initial re-inspection is at no extra fee, all other re-inspections may have re-inspection fee(s) charged.

29.09 106.2.2 TENANT RESPONSIBILITY. Section 106.2.2 Tenant Responsibility, is added as follows:

Section 106.2.2 Tenant responsibility. The tenant of a dwelling, dwelling unit, or sleeping unit shall:

1. Comply with all obligations imposed upon tenants by applicable provisions of the building and this code materially affecting health and safety.

2. Keep that part of the premises that the tenant occupies or uses as clean and safe as the condition of the premises permit.

3. Dispose from tenant rental areas all ashes, rubbish, garbage, and other waste in a clean and safe manner.

4. Keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits.

5. Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances including elevators in the premises.

6. Not deliberately or negligently destroy, deface, damage, impair, or remove a part of the premises or knowingly permit a person to do so.

7. Act in a manner that will not disturb a neighbor's peaceful enjoyment of the premises.

29.10 106.4 VIOLATION PENALTIES. Section 106.4 is hereby amended by *modifying* Section 106.4 Violation penalties, adding a sentence to the end as follows:

Section 106.4 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. Each day that a violation continues after the 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 License and / or Certificate of Registration.*

29.11 107.2 FORM. Section 107.2 Form is hereby amended by adding item 7. to the notice list of requirements for Section 107.2 Form, as follows:

Section 107.2 Form.

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.

29.12 107.3 METHOD OF SERVICE. Section 107.3 Method of service is hereby amended by adding items 4. and 5. to the notice list for Section 107.3 Method of service, as follows:

Section 107.3 Method of service.

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.

29.13 108.5 PROHIBITED OCCUPANCY. An Exception is hereby added to Section 108.5 Prohibited occupancy, as follows:

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 officials full written approval at the placarded property with them available for inspection by any code official or any police officer.

29.14 111.1 APPLICATION FOR APPEAL. Section 111.1 Application for appeal is hereby amended by *modifying* Section 111.1 Application for appeal, changing the number of days as follows:

Section 111.1 Application for appeal. Any person directly affected by a decisions 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 *20 days* after the date of the initial notice of violation or order under this code. An application for the appeals shall be based on a claim that the true intent of the 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.

29.15 111.1.1 WAIVER. Section 111.1.1 Waiver is hereby added as follows:

Section 111.1.1 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 a Housing Code Board of Appeal hearing and adjudication of the notice or order, or to any portion thereof.

29.16 111.2 MEMBERSHIP OF BOARD. Section 111.2 Membership of board is hereby amended by repealing the entire Section 111.2 Membership of the board and subsections associated with 111.2 Membership of board, and replacing same with Section 111.2 Appointment, and subsections 111.2.1 Officer, 111.2.2 Appeal, 111.2.3 Procedure, 111.2.4 Meetings, 111.2.5 Open Hearing, 111.2.6 Minutes / Copies, 111.2.7 Extension of time, and 111.2.8 Petition for Certiorari , as follows:

Section 111.2 Appointment. There is hereby established a board to be known as the Housing Code Board of Appeals, which consists of 7 members appointed by the Mayor with the advise and 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.

Section 111.2.1 Officers. Officers of the board shall be elected by the members of the board at the annual meeting of the board, including a Chairperson.

Section 111.2.2 Appeal. All appeals and requests to the board shall be filed with the Administrative Assistant for this code or a code official. An appeal fee as set by the City Council resolution shall accompany each appeal.

Section 111.2.3 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.

Section 111.2.4 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 30 business days after a request for a hearing has been

received by the Administrative Assistant of this code or code official. 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.

Section 111.2.5 Open Hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official, and any person whose interests are affected shall be given opportunity to be heard. A quorum shall consist of not less than three (3) board members not including the chair person who may only vote to break tie votes.

Section 11.2.6 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.

Section 111.2.7 Extension of Time. In lieu of, or in addition to, administrative extensions, the Housing Code Board of Appeal 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.

Section 111.2.8 Petition for Certiorari. Any person or persons, jointly or severally, aggrieved by any decision of the Housing Code Board of Appeal 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.

29.17 113 LANDLORD LICENSE REQUIREMENTS. The Housing Code of Cedar Rapids is hereby amended by adding SECTION 113 LANDLORD LICENSE REQUIREMENTS, with subsections 113.1 Landlord license requirements, 113.1.1 Application requirements, and 113.1.2 Landlord license issuance, as follows:

SECTION 113 LANDLORD LICENSE REQUIREMENTS

113.1 Landlord license requirements. No person shall lease, rent, or otherwise allow a dwelling unit or rental unit to be occupied, without a valid Cedar Rapids issued Landlord License obtained from a code official (see the Landlord License definition).

113.1.1 Application requirements. The application requirements to the receipt of a Landlord License include:

1. All requirements of Section 115 pertaining to inspections are met; and
2. The applicant must register and pay all required fees in full for all rental unit(s) for which the applicant is an owner; and
3. All court judgments against the applicant have been paid in full; and
4. The applicant provides the code official the name(s), address, and telephone number(s) of the individual(s) responsible for the maintenance and management of the registered premises; and
5. Landlord License fees shall be paid prior to the issuance of a Landlord License.

113.1. 2 Landlord License issuance. If the code official concludes that application information requirements have been met, then the code official shall issue the Landlord License.

29.18 113.2 LANDLORD LICENSE REVOCATION OR SUSPENSION. The Housing Code of Cedar Rapids is hereby amended by adding Section 113.2 Landlord License revocation or suspension, as follows:

Section 113.2 Landlord License revocation or suspension. The code official may revoke, suspend, deny, or decline to renew any Landlord License or Certificate of Registration issued under this section for any of the following reasons.

a) Order of Precedence as outlined in Section 113.2 c) shall be guiding principle for gaining compliance when no emergency of health or safety exists:

1. False statements on any application or information or report required by this section to be given by the applicant or licensee.
2. Failure to pay any application, penalty, re-inspection, or reinstatement fee required by this section or by City Council Resolution.
3. Failure to correct deficiencies from notices of violation in the time frame specified in the notice.
4. Failure to comply with the provisions of an approved mitigation / remediation plan by the code official.
5. Failure to comply with the provisions of the Title VIII of the Fair Housing Act of 1968 (as amended).

b) Appeal. No Landlord License may be denied, suspended, revoked, or renewed without notice and an opportunity to be heard is given the applicant or holder of the Landlord License. In any instance where the code official has denied, revoked, suspended, or not renewed a Landlord License, the applicant or holder of the Landlord License may appeal the decision to the Housing Code Board of Appeal by delivering notice of appeal within ten (10) business days of receipt by the applicant or holder of the Landlord License of the notice of the decision. The decision of the Board of Appeal or any decision by the code official which is not appealed in accordance with this code shall be deemed final action.

c) Order of Precedence to revoke, suspend, deny, or not renew a Landlord License.

1. First course of action. A Certificate of Registration may be revoked, suspended, denied, or not renewed if an owner allows a specific property or properties to remain a nuisance or otherwise in an illegal state and have failed to take responsible, reasonable, and verifiable actions on a timely basis to remediate the violation(s).
2. Second course of action. Landlord License may be revoked, suspended, denied, or not renewed if an owner allows repeated violations to occur and continues to allow rental unit(s) to remain a nuisance or otherwise in an illegal state and have failed to take responsible, reasonable, and verifiable actions on a timely basis to remediate the violation(s).

29.19 114 CERTIFICATE OF REGISTRATION. SECTION 114 CERTIFICATE OF REGISTRATION is hereby added, including subsections 114.1 Certificate of Registration, 114.2 Application, 114.3 Certificate of registration, 114.4 Annual registration, and 114.5 Change of registration information or transfer of property, as follows:

SECTION 114 CERTIFICATE OF REGISTRATION

Section 114.1 Certificate of Registration. No person shall lease, rent, or let for occupancy, a rental unit in the City of Cedar Rapids, Iowa without first obtaining a Certificate of Registration from the code official. Each owner of rental property, subject to the provisions of this code, shall register the same with the code official, within 30 days

of transfer of title or possession of such property. A Certificate of Registration shall not be transferred from one owner to another. 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.

Section 114.2 Application. Application for a Certificate of Registration required by this code shall be made to the code official in such form and detail as prescribed by the code official. A Certificate of Registration fee shall be as set forth by Resolution of the City Council of Cedar Rapids shall accompany a Certificate of Registration Application.

Section 114.3 Certificate of registration. When the owner has properly completed the Certificate of Registration application and the application is in compliance with all codes, then a Certificate of Registration shall be issued. A Certificate of Registration does not indicate that a dwelling, dwelling unit, rooming unit, or sleeping unit meets the requirements of this code.

Section 114.4 Annual registration. A Certificate of Registration shall be valid for one (1) year. All Certificate(s) of Registration shall expire on July 1st of each year. A Certificate of Registration may be renewed when all required fees have been paid in full for all rental unit(s) for which the applicant is an owner.

Section 114.5 Change of Registration information or transfer of property. Whenever there is a change in the information required for a Certificate of Registration, the owner must re-register within thirty (30) days after any change occurs. If a rental unit is sold, assigned, or otherwise transferred, the rental unit must be re-registered within thirty (30) days.

The 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.

29.20 115 RENTAL INSPECTION. SECTION 115 RENTAL INSPECTION, including subsections 115.1 Regular rental inspection, and 115.2 Other rental inspection, is hereby added as follows:

SECTION 115 RENTAL INSPECTION Section 115.1 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 5 years for a Certificate of Compliance.

Section 115.2 Other rental inspection. Rental units may be inspected on a more frequent basis to ensure compliance with this code based upon one (1) or more of the following:

1. Information received indicates that there is a violation of provisions of this code, or any state law;
2. An observation 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;
3. Information 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;
4. To determine if there is compliance with a notice or an order issued by a code official;

5. A public health safety or welfare emergency observed or reasonably believed to exist;
6. A request for an inspection by a tenant. 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.
7. In instances where a dwelling unit is to be demolished by the City of Cedar Rapids, Iowa or where ownership is to be transferred to the City of Cedar Rapids, Iowa.

29.21 116 CERTIFICATE OF COMPLIANCE. SECTION 116 CERTIFICATE OF COMPLIANCE, including subsections 116.1 Certificate of Compliance, 116.2 Requirements, 116.3 Suspension, and 116.3.1 Reinstatement, is hereby added as follows:

Section 116.1 Certificate of Compliance. Unless a rental unit is re-inspected, the Certificate of Compliance shall be valid for a period of five (5) 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. 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 License, and Certificate of Registration.

Exception: A rooming unit or units located in an owner-occupied single family dwelling, or Condominium, or cooperative, containing not more than two roomers.

Section 116.2 Requirements. 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:

1. There exists a Certificate of Registration on file with the office of the code official; and
2. It has been determined by the code official that the provisions of this code have been complied with by the owner; and
3. All fees required by the Cedar Rapids City Council have been paid in full.
4. 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.
5. 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 upon issuance of a Certificate of Registration for the property.

Section 116.3 Suspension. The code official shall suspend a Certificate of Compliance if the owner has not complied with a notice or a code violation. The code official shall issue a notice of suspended certification to the owner that includes the following information:

1. That the Certificate of Compliance has been suspended as of the date of the notice; and
2. The reason for suspension; and

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 re-occupied until the Certificate of Compliance is re-instated or a new Certificate of Compliance is issued; and

4. That failure to comply with the terms of suspension, as set out in this section, shall be a violation of this code; and

5. That suspension of a Certificate of Compliance may be appealed to the Housing Code Board of Appeals as provided for in Section 111 of this code.

116.3.1 Re-instatement. The code official will re-instate 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. Re-instatement of the Certificate of Compliance shall not extend or change the next inspection date of the Certificate of Compliance.

29.22 117 NOTICE ON SALE OF DWELLING. SECTION 117 NOTICE ON SALE OF DWELLING, including subsection 117.1 Notice, is hereby added as follows:

SECTION 117 NOTICE ON SALE OF DWELLING

Section 117.1 Notice. Every person owning a rental property / unit 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; and
2. Any notice regarding violations of this code, Nuisance, and Zoning Codes that are outstanding due to failure to correct violations; and
3. Full information regarding any court action presently filed against the property along with other required disclosure items in accordance with applicable real estate laws.

29.23 202 GENERAL DEFINITIONS. Section 202 General Definitions is hereby amended by adding to Section 202 General Definitions, the following definitions:

CERTIFICATE OF COMPLIANCE. A Certificate of Compliance shall mean a document issued by the code official or the City of Cedar Rapids which shows that the rental unit or units for which it is issued was in compliance with the applicable provisions of this code. A Certificate of Compliance shall show the Issue Date (which is reflective of 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.

CONDOMINIUM. 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) shall be defined in this code as a condominium multi-family complex, dwelling, dwelling unit, rooming unit, or sleeping unit.

COOPERATIVE. 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) shall be defined in this code as a cooperative.

FUEL BURNING HEATING EQUIPMENT. Fuel burning heating equipment is a furnace and / or boiler and / or water heater that uses fossil fuels.

LANDLORD LICENSE. Landlord License means a license issued by the City of Cedar Rapids:

1. to a landlord who owns the rental property for which a Cedar Rapids issued Landlord License is required.

OR

2. to a real estate broker or an agent operating under a real estate broker for which a Cedar Rapids issued Landlord License is required.

Note: A Cedar Rapids Landlord License 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.

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

RENTAL UNIT. Dwelling, dwelling unit, rooming unit, or sleeping unit which is not eligible for the Iowa Homestead Credit for tax purposes. Also means 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, rented, or otherwise occupied from 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.

WEED. Weed(s) shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provide; however, this term shall not include cultivated flowers and gardens.

29.24 302.4 WEEDS. Section 302.4 Weeds is hereby amended by repealing Section 302.4 Weeds and replacing that section with the following:

Section 302.4 Weeds. All premises and exterior property shall be maintained free of weeds or plant growth in excess of 12 inches. All 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 106 and as prescribed by the code official. 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 weeds growing thereon, and the costs of such removal be paid by the owner or agent responsible for the property.

29.25 304.14 INSECT SCREENS. Section 304.14 Insect screens is hereby amended by *modifying* Section 304.14 Insect screens, by *removing the date requirement* as follows:

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 area 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.

29.26 307.1 GENERAL. Section 307.1 General is hereby amended by *modifying* Section 307.1

General, changing the number of risers as follows:

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 which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be 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 not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp, or other walking surface.

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

29.27 309.1 INFESTATION. Section 309.1 Infestation is hereby amended by *modifying* Section 309.1 Infestation, as follows:

Section 309.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by a process 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 re-infestation.*

29.28 502.3 HOTELS. Section 502.3 Hotels is hereby repealed.

29.29 502.4 EMPLOYEES' FACILITIES. Section 502.4 Employees' facilities is hereby repealed.

29.30 502.4.1 DRINKING FACILITIES. 502.4.1 Drinking Facilities is hereby repealed.

38.31 602.3 HEAT SUPPLY. Section 602.3 Heat supply is hereby amended by *modifying* Section 602.3 Heat supply, by *removing the date requirement* as follows (exceptions remain un-amended):

Section 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 degrees F (20 degrees C) in all habitable rooms, bathrooms, and toilet rooms.

29.32 602.4 OCCUPIABLE WORK SPACES. Section 602.4 Occupiable work spaces is hereby amended by *modifying* Section 602.4 Occupiable work spaces, with the following:

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat *to maintain a temperature not less than 65 degrees Fahrenheit (18 degrees Celsius)* during the period the spaces are occupied.

Exception 1. Processing, storage, and operation areas that are required cooling or special temperature conditions.

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

29.33 603.1.1 MAINTENANCE OF HEATING EQUIPMENT. Section 603.1.1 Maintenance of heating equipment and an Exception is hereby added to Section 603.1.1 Mechanical appliances as follows:

Section 603.1.1 Maintenance of heating equipment. 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. At the time of each regular rental inspection fuel burning heating equipment 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 1: When heating equipment has been installed within two years of the regular inspection with proper documentation of permitting, inspection, including the installation date.

Exception 2: If the fuel burning heating equipment has been properly inspected by a licensed mechanical contractor or certified technician within 12 months of the regular rental inspection.

29.34 604.2 SERVICE. Section 604.2 Service is hereby amended by *modifying* Section 604.2 Service, by *eliminating the last sentence* as follows:

Section 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 Municipal Code Chapter 34 as adopted.

29.35 605.2 RECEPTACLES. Section 605.2 Receptacles is hereby amended by *modifying* Section 605.2 Receptacles, as follows:

Section 605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom or toilet room shall contain at least one *ground fault type* receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interruption protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

29.36 605.2 RECEPTACLES. Sections 605.2.1 Ground fault and Section 605.2.2 Exterior GFCI is hereby added to Section 605.2 Receptacles, as follows:

Section 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 type.

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

29.37 704.4 EXCEPTION 3. Section 704.4 Interconnection is hereby amended by adding Exception 3 to Section 704.4 Interconnection, as follows:

Exception 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.

29.38 704.5 FIRE EXTINGUISHER. Section 704.5 Fire extinguisher is hereby added as follows:

Section 704.5 Fire extinguisher. 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 Fire Code adopted by Cedar Rapids. Single family structure (rental) 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.

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.

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.

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 Fire Code adopted by Cedar Rapids.

29.39 MUNICIPAL CODE. Cedar Rapids, Iowa. is hereby added to Chapter 8 REFERENCED STANDARDS, as follows:

MUNICIPAL CODE. Cedar Rapids, Iowa. Chapter 22 Nuisances. Chapter 32 Zoning Code. Chapter 33 Building Code (2012 edition). Chapter 34 Electrical Code (2012 edition). Chapter 35 Plumbing Code (2012 edition). Chapter 36 Mechanical Code (2012 edition). Chapter 37 Fire Code (2012 edition).

Section 2. The various sections, subsections, chapters or parts of this ordinance and of the 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 code hereby adopted.

Section 3. Pursuant to 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 code and the City Council of the City of Cedar Rapids, Iowa, hereby determines and finds that said proposed code shall be and the same is hereby adopted as an ordinance of the City of Cedar Rapids, Iowa.

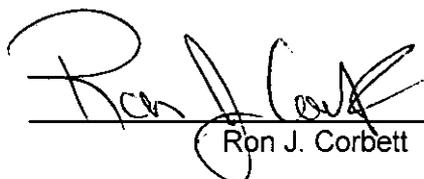
Section 4. An official copy of this code hereby adopted, including a certificate by the City Clerk as to its adoption and the effective date thereof, is on file in the office of the City Clerk in City Hall, and shall be kept there on file and copies shall be available for public inspection.

Section 5. 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.

Section 6. That this Ordinance shall be in full force and effect July 1, 2012 after its passage and publication as provided by law.

Introduced this 27th day of March, 2012.

Passed this 10th day of April, 2012.


_____, Mayor
Ron J. Corbett

Attest:


_____, City Clerk
Amy Stevenson