

7.00. Amendments to the 2015 International Property Maintenance Code.

7.01 The International Property Maintenance Code, 2015 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, are hereby adopted as the minimum requirements for the condition of properties and existing structures with regard to the use, occupancy and condition with the following amendments:

- a. **101.1 Title.** Delete the section and replace with "**101.1 Title.** These regulations shall be known as the **Eldridge Housing Code** which includes the 2015 International Property Maintenance Code with amendments, hereinafter referred to as "this code".
- b. **102.3 Application of other codes.** Delete the section and replace with "**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 Eldridge 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 Eldridge, Iowa."
- c. **103.1 General.** For purposes of this code, the Department of Property Maintenance Inspection shall be the Eldridge Department of Building Safety and the Code Official shall mean the Eldridge Building Official.
- d. **103.5 Fees.** Insert the City of Eldridge Fee Schedule.
- e. **106.3 Prosecution of violation.** Add to last sentence "or may be filed as a special assessment with the Scott County Assessor's Office."
- f. **106.4 Violation penalties.** Delete the section and replace with "**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. Nothing herein will prevent prosecution of violations of laws in addition to this code. Violations of this code shall be considered a municipal infraction and civil offense punishable by a civil penalty of not more than seven hundred fifty dollars for each violation or if the infraction is a repeat offense, a civil penalty not to exceed one thousand dollars for each repeat offense. (Iowa code 364.22) 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 City of Eldridge issued Rental Property Permit and occupants may be required to vacate the property. Nothing contained herein shall prevent the City from taking action as prescribed in other portions of the Code of Ordinances, including City funded corrections and cost reclamation through a special assessment."
- g. **107.2 Form.** Add: 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.
- h. **108.1.5 Dangerous Structure or premises:** Add:

12. Any building, structure or portion thereof that upon the determination of the Eldridge Chief of Police has been illegally used to manufacture, grow or otherwise produce a "controlled substance" as defined in Chapter 124 of the Iowa Code shall be considered unfit for human occupancy. This determination shall be based on a preponderance of the evidence. Occupancy may be approved by the Building Official upon evidence being provided by the person(s) responsible for compliance under this code that contamination levels are safe for human habitation. In the event of the manufacture of methamphetamines is determined to have taken place within a structure or portion thereof, testing and evidence shall be done through an entity actively engaged in the business of providing this information within the State of Iowa and shall be completed under the supervision of an Industrial Hygienist.

13. Any residential structure that, due to an accumulation of objects, goods, materials or substances inside, has inadequate light, ventilation, livable space, unsanitary condition or lacks proper egress, or becomes an unsafe fire threat due to an unusual amount of flammable or combustible material that the building official declares the dwelling uninhabitable. (NOTE: This situation may occur due to a "Hoarding Disorder" as listed in the *Diagnostic and Statistical Manual of Mental Disorders*. The City of Eldridge may contact family members if a suspicion of hoarding is discovered.)

- i. **108.2 Closing of Vacant Structures.** Add to the end of the last sentence: "including a special assessment."
- j. **Add new 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 the right to a Board of Appeals hearing and adjudication of the notice or order, or any portion thereof.
- k. **111.2 Membership of Board.** Delete 111.2 through 11.2.5 in its entirety and replace with: **111.2 Membership of Board.** The Eldridge City Council shall be the Board of Appeals.
- l. **111.3 Notice of Meeting.** Change "20 days" to "30 days."
- m. **202 General Definitions.** Add the following definitions:

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

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

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

202.4 PROPERTY MANAGER. See "Operator" section 202 of this code.

202.5 RESIDENTIAL PROPERTY REGISTRATION. A registration with the City of Eldridge of a rental property by the operator of every rental unit.

202.6 RESIDENTIAL RENTAL PROPERTY; RESIDENTIAL RENTAL UNIT. 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 other than the legal owner of the property, which is let, leased or rented from or otherwise occupied by permission of the owner or other person in control of such unit, 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 residential rental property, a single family dwelling, dwelling unit, rooming house, rooming unit or premises as the context requires.

Exceptions:

- a. Hotels and Bed and Breakfast Inns as defined by Chapter 137 of the Iowa Code.
- b. All facilities that are licensed or certified by the Iowa Department of Inspections and Appeals.
- c. Condominiums subject to private association agreements prohibiting use as a rental property.
- d. An owner occupied dwelling unit where all occupants live as one family unit, regardless of familial relationship. Interior door locks are of the non-key type and the kitchen, halls, storage and utility spaces are not segregated for separate use between occupants.

202.7 RENTAL PERMIT. A certificate obtained by an owner or operator from the City of Eldridge authorizing the use of a property as a rental property by providing a registration application and vouching for the compliance with the applicable provisions of this chapter. Permits not renewed shall expire after 24 months following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

- n. **302.1 Sanitation.** Delete and replace with "**302.1 sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep in a clean and sanitary condition that part of the exterior property which such occupant occupies or controls. This provision shall not relieve the owner of responsibility under 301.2. No exterior accumulation of garbage, refuse, rubbish, household goods, materials or equipment 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."
- o. **302.1.1 Rubbish/Garbage Containers.** Add new section: "**302.1.1 Rubbish/Garbage Containers.** Effective June 1st, 2018, all rubbish, garbage and refuse containers stored outside and intended to be utilized by more than a single residential unit or a commercial or industrial business shall be shielded from view of the public and surrounding properties by a

fence or other approved obstruction. Rubbish, garbage, and refuse shall not be stored outside of the containers inside or outside of the shielded area.

Rubbish, garbage and refuse containers shall be capable of closing fully at all times. In the event the amount of rubbish, garbage and/or refuse prevents the proper closing of the containers, the operator shall cause the container to be collected, emptied or replaced with an empty one, regardless of the normal pick up schedule."

- p. **302.4 Weeds.** Insert "10 inches" as the height in inches.
- q. **302.8 Motor Vehicles.** Delete in its entirety and replace with "**302.8 Motor vehicles.** Except as provided for in other regulations for a business legally engaged in a business allowing such use, no inoperable or unlicensed motor vehicle shall be parked, kept or stored on any premises outside of an enclosed structure, 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 storage of vehicle parts outside of an enclosed building including but not limited to bumpers, engines, exhaust pipes, doors, fenders, hoods, mufflers or any other structural, mechanical or decorative vehicle part is prohibited. Painting of vehicles is prohibited unless conducted inside an approved spray booth. A tarp shall not be considered an enclosed structure.
- Exception: A vehicle of any type is permitted to undergo major overhaul, including body work and storage of parts, provided that such work and/or storage is performed inside a structure or similarly enclosed area designed and approved for such purposes."
- r. **302.9 Defacement of Property.** Add to the end of the last sentence: "within 14 days of being notified of graffiti, carving mutilation or defacement that is a violation of this code."
- s. **303.2 Enclosures. Exception.** After "cover", add "and pools with an automatic, powered safety cover".
- t. **304.14 Insect screens.** Delete in its entirety and replace with "**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 1: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Exception 2: From October 31st to March 31st screens may be replaced with storm windows. Screens shall be used in place of storm windows outside of these dates."

- u. **307.1 Handrails and guardrails. General, and Figure 307.1** Change "more than four risers" to "four or more risers".
- v. **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 any additional inspection within the next 6 months show that, in the opinion of the code official, 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.

w. **402.1 Habitable spaces.** Add "

Exception 2. Windows designed to be openable shall be capable of being opened. (Double hung, crank out etc.) Windows need not be of openable design where the opening is not required by IPMC 702.4 Emergency Escape and Rescue Openings.

Exception 3. The glazed areas need not be installed in rooms where exception 1 is satisfied and artificial light is provided that is capable of producing an average illumination of 6 foot-candles (65Lux) over the area of the room at a height of 30 inches above the floor level.

x. **404.3 Minimum Ceiling Heights. Exception 3.** Change "7 feet" to "6 feet and 8 inches".

y. **602.3 Heat supply.** Delete the 1st paragraph only and replace it with "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, shall 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. Cooking appliances shall not be used to maintain temperature.

z. **602.4 Occupiable work spaces.** Delete and replace with "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 require cooling or special temperature conditions.

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

aa. **605.2 Receptacles.** Add to the end of the section "All outlets within 6 feet of a water source shall be GFCI protected."

bb. **702.4 Emergency Escape and Rescue Openings.** Add before 1st sentence "All sleeping rooms shall have one operable Emergency Escape and Rescue opening."

cc. Add new chapter:

Chapter 9: Rental Permits Required.
Section 901
General

901.1 Scope. The provisions of this chapter shall apply to all premises used or to be used as a residential rental property or unit as defined in this code.

Section 902 Rental Permits

902.1 Rental Permit Required. No person shall lease, rent, or let for occupancy a residential rental property or unit in the City of Eldridge, Iowa without first obtaining a Rental Permit. A separate rental permit shall be issued for each dwelling unit or rooming unit. A separate Rental Permit shall be issued for premises where common areas such as yards, parking or storage are provided. Rental Permits shall not be transferred from one owner to another. Each owner of rental property shall register and obtain a permit with the code official within 30 days of transfer of title or possession of rental property. It shall be the responsibility of the operator to provide to the code official complete registration information, including contact information, within 30 days of any change of owner or operator. Permits shall be valid for two (2) years, notwithstanding means of denial, revocation or suspension provided in this code.

902.2 Registration Requirements. Registration shall be made for each dwelling unit and rooming unit and be considered an application for a Rental Permit. Registration shall be made to the code official by completing such form and detail as prescribed by the code official. In the event a firm, corporation, LLC or other entity is listed as the owner or operator, a person shall be named as the contact for the organization and full contact information shall be provided.

902.3 Permit Denied; Appeal. Any person whose registration for a permit to lease, rent, let, permit, or allow occupancy of a rental property results in the permit being denied may request and shall be granted a hearing on the matter before the Eldridge City Council under the procedure provided by section 111 of this code.

902.4 Permit Fee. Before the Building Official shall issue a rental permit under the provision of this chapter, there shall be paid by the owner or operator a rental permit fee, the amount of which shall be set by resolution of the Council. A Permit that has been expired or revoked shall require the fee prior to re-issuance.

902.5 Permit Suspension. Whenever, upon inspection of any rental dwelling unit, the Building Official finds that conditions or practices exist which are in violation of any provisions of this chapter, the Building Official shall give notice in writing to the owner and/or manager of such unit that unless the conditions or practices causing the violation are corrected within a reasonable period, to be determined by the Building Official, the permit shall be suspended. At the end of such period, the Building Inspector shall re-inspect such unit and if the Building Official finds that the violations continue to exist may suspend the rental permit by providing by written notice to the operator that the permit has been suspended. Upon receipt of notice of suspension, such owner/operator shall immediately cause occupants to vacate the premises until the building official determines the violations have been corrected. In instances where violations of this chapter are confined to one (1) of multiple dwelling units or rooming units within a premises and in the judgment of the Building Official do not constitute a hazard to health or safety elsewhere, the Building Official shall limit the application of the requirement to vacate the premises to the areas and/or units in which the violations exist.

902.6 Permit Suspended; Appeal. Any person whose permit to operate a rental dwelling unit has been suspended or who has received notice from the building official that a permit is to be suspended unless existing conditions or practices are corrected, may request and shall be granted a

hearing on the matter before the Eldridge City Council under the procedure provided by section 111 of this code.

Section 903 Background Checks

903.1 Mandatory Background Checks. Permit holders shall perform a background check on all persons 18 years of age or older who newly occupy a rental unit as of the effective date of this ordinance, 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 the effective date of this requirement.

903.2 Minimum Requirements of Background Checks. Background checks may be obtained through the Eldridge Police Department, through a third party engaged in the business of providing background checks or through other approved means. Background checks as referenced here shall include the following at a minimum:

- a.) A report of activity from Iowa Courts Online.
- b.) A report from the Iowa Sex Offender Registry and the National Sex Offender Website maintained by the United States Department of Justice.

Permit holders are encouraged, but not required, to obtain additional background information they deem appropriate. Nothing herein shall be construed to indicate any preference or recommendation on the part of the City as to the selection of a tenant. Operators are free to use the information discovered to the degree they see fit.

903.3 Proof of Background Check. Upon the City's request, operators shall show proof that the background check requirement has been met by providing a receipt, cover sheet or other means that includes the tenants name. The background check is the property of the person ordering the check, and it is within the rights of the operator to withhold the information within once proof of a background check being completed has been provided.

Section 904 Mandatory Written Lease

904.1 Mandatory written lease. Owners and operators of all Rental Properties for which a Rental Permit is required must have written leases or written rental agreements with all tenants.

904.2 Lease Information. Written lease agreements must contain the following information::

- 904.2.1** The full name of all occupants of the dwelling unit;
- 904.2.2** The street address and unit number to be occupied;
- 904.2.3** The terms of the agreement including the amount of rent and when it is due.
- 904.2.4** The party responsible for utility costs;
- 904.2.5** The terms for the operators access to the dwelling unit, such as 24-hour notice, emergencies, and welfare checks;
- 904.2.6** The method for the operator and tenant to provide written notices to each other, including complete contact information for each party;

- 904.2.7** A notice to the tenants that it shall be a violation of the lease to commit any act or allow any activity to occur on the leased premises which violate any Federal, State, or local laws, regulations, or ordinances which are in effect or which may be enacted during the term of the lease or rental agreement;
- 904.2.8** Provide a description of the arrangement or responsibilities for emergency relocation of tenant(s), if ever needed.

904.3 Proof of Lease. Upon the City's request, operators shall show proof that a lease or rental agreement is currently in force.

Exception- The requirement for a written lease or rental agreement is waived in the event the landlord and tenant have a familial relationship (defined as spouse, parents, children, brothers, sisters, grandparents, grandchildren, brother-in-law, sister-in-law, mother-in-law, father-in-law, step-family and foster children.)

Section 905 Inspections

905.1 Inspections. The Building Official is hereby authorized to enter and make inspections to determine the condition of rental property located within the City in order to perform the duty of safeguarding the health and safety of the occupants and of the general public. Inspections shall be made:

- 905.1.1** Upon receipt of a complaint from a person or party identifying themselves, made or filed with City officials;
- 905.1.2** When just cause is found and a warrant has been obtained after a request to enter has been denied;
- 905.1.3** A public health, safety or welfare emergency is observed or is reasonably believed to exist;
- 905.1.4** A tenant makes a request for an inspection. If a non-emergency inspection is requested by a tenant, the tenant shall provide written notice to the owner per 562A.21 of Iowa Code. Seven (7) days after tenant notification to the owner, an inspection may be conducted by the building official.
- 905.1.5** An operator makes a request for an inspection. A non-emergency inspection may be made following the terms for accessing the unit provided in the lease.
- 905.1.6** When a request for a welfare check is made due to concerns for the occupants wellbeing. When making a welfare check, the Eldridge Police shall be present and follow protocol established for such occurrences.

For the purpose of making inspections, the Building Official is authorized to enter, examine and survey at all reasonable times all such dwellings, dwelling units, rooming houses, rooming units and premises with the consent of the owner, tenant or operator. Such inspections shall be at reasonable times on week days when the owner, operator or responsible occupant is present. In the event that there is sufficient evidence to indicate a violation of this code, and the operator or occupant refuses

to allow the Building Official access at reasonable times, the Building Official or a designee shall secure a warrant to inspect the dwelling on the basis of the refusal to allow entry.

Section 906 Emergency Order

906.1 Emergency Order. Whenever the Building Official finds that an emergency exists which threatens immediately the public health, the building official may issue an order reciting the existence of such an emergency and requiring that such action be taken as the building official deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately. However, upon petition for an appeal to the building official, shall be afforded a hearing at the earliest expedient time. After such hearing, depending upon its findings as to whether the provisions of this chapter have been complied with, the Appeals Board shall continue such order in effect, modify it or revoke it.

Section 907 Conflict

907.1 Conflict. Enforcement of the Housing Code shall not be construed for the particular benefit of any individual or group of persons, other than the general public. In the event of a conflict between this section and any other section of the Housing Code, this section shall govern insofar as applicable.

Section 908 Liability

908.1 Liability. The City of Eldridge and it's employees is not liable for damages to a person or property as a result of any act- or failure to act- in the enforcement of this Code. The Housing Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any equipment or structure regulated herein for damages to a person or property caused by its defects, nor shall the City or any City employee be held as assuming any such liability by reason of the inspections authorized by this Code or any approvals issued under this Code.

Section 909 Effective Date

909.1 Effective Date. The effective date of chapter 9 shall become effective on October 1st, 2017. All other portions of this code shall take effect upon approval by the Eldridge City Council as provided for in Iowa Code.