



**Roll Call Number**

**Agenda Item Number**

71

**Date** December 12, 2022

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 60-2, 60-4, 60-5, 60-7, 60-8, 60-11, 60-13, 60-19, 60-30, 60-31, 60-32, 60-33, 60-34, 60-35, 60-42, 60-43, 60-44, 60-45, 60-50, 60-62, 60-65, 60-66, 60-70, 60-73, 60-76, 60-80, 60-84, 60-86, 60-88, 60-89, 60-91, 60-92, 60-106, 60-111, 60-112, 60-114, 60-117, 60-118, 60-120, 60-126, 60-128, 60-130, 60-132, 60-137, 60-138, 60-141, 60-142, 60-144, 60-166, 60-168, 630-170, 60-172, 60-173, 60-174, 60-176, 60-182, 60-184, 60-191, 60-192, 60-196, 60-197, 60-198, and adding 60-113A and 60-113B, 60-114A, and 60-114B, relating to Chapter 60, Housing Code",

**(Council Communication No. 22-566)**

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage. Second by \_\_\_\_\_.

FORM APPROVED:

(First of three required readings)

/s/ Lisa A. Wieland

Lisa A. Wieland  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 60-2, 60-4, 60-5, 60-7, 60-8, 60-11, 60-13, 60-19, 60-30, 60-31, 60-32, 60-33, 60-34, 60-35, 60-42 , 60-43, 60-44, 60-45, 60-50, 60-62, 60-65, 60-66, 60-70, 60-73, 60-76, 60-80, 60-84, 60-86, 60-88, 60-89, 60-91, 60-92, 60-106, 60-111, 60-112, 60-114, 60-117, 60-118, 60-120, 60-126, 60-128, 60-130, 60-132, 60-137, 60-138, 60-141, 60-142, 60-144, 60-166, 60-168, 630-170, 60-172, 60-173, 60-174, 60-176, 60-182, 60-184, 60-191, 60-192, 60-196, 60-197, 60-198, and adding 60-113A and 60-113B, 60-114A, and 60-114B, relating to Chapter 60, Housing Code.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 60-2, 60-4, 60-5, 60-7, 60-8, 60-11, 60-13, 60-19, 60-30, 60-31, 60-32, 60-33, 60-34, 60-35, 60-42 , 60-43, 60-44, 60-45, 60-50, 60-62, 60-65, 60-66, 60-70, 60-73, 60-76, 60-80, 60-84, 60-86, 60-88, 60-89, 60-91, 60-92, 60-106, 60-111, 60-112, 60-114, 60-117, 60-118, 60-120, 60-126, 60-128, 60-130, 60-132, 60-137, 60-138, 60-141, 60-142, 60-144, 60-166, 60-168, 630-170, 60-172, 60-173, 60-174, 60-176, 60-182, 60-184, 60-191, 60-192, 60-196, 60-197, 60-198, and adding 60-113A and 60-113B, 60-114A, and 60-114B, relating to Chapter 60, Housing Code, as follows:

**Sec. 60-2. Scope.**

The provisions of this chapter shall apply to all existing residential and nonresidential structures, mobile homes, and all existing premises, and the maintenance, repair, equipment, use, and occupancy of all residential rental buildings, accessory structures, commercial structures and premises now in existence or hereafter constructed, rehabilitated, renovated, or converted to residential use within the corporate limits, including but not limited to single and two-family dwellings, multiple family dwellings, common areas, rooming houses, rooming units, boardinghouses, homeless shelters, dormitories and dormitory rooms. These provisions shall constitute the requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards for a reasonable level of sanitary maintenance and for a

workmanlike level of continued property maintenance to maintain and improve the city's housing stock.

#### **Sec. 60-4. Application of other codes.**

- (a) This chapter shall adopt the International Property Maintenance Code ("IPMC"), 20~~21~~<sup>14</sup>5 edition, published by the International Code Council and any standard, national, and international codes adopted in the Municipal Code of the City of Des Moines.
- (b) Where the City of Des Moines Municipal Code is the subject of reference in this chapter, it will be referred to as "the Municipal Code."

#### **Sec. 60-5. Deletions.**

The following sections and/or references are hereby deleted from the 20~~15~~<sup>21</sup> International Property Maintenance Code, and are of no force or effect in this chapter:

- (1) Section ~~107.1 Notice to Person Responsible~~103 Code compliance agency;
- (2) Section ~~107.2 Form 107 Means of Appeal~~;
- (3) Section ~~107.3 Method of Service~~108 Board of Appeals;
- (4) Section ~~107.4 Unauthorized tampering~~111.4.2 Method of Service;
- (5) Section ~~107.5 Penalties~~111.6 Transfer of Ownership;
- (6) Section ~~107.6 Transfer of Ownership~~111.7 Placarding;
- (7) Section ~~108.4 Placarding~~113 Demolition;
- (8) Section ~~111.2 Membership of the Board~~307 Handrails and Guardrails;
- (9) Section ~~111.3 Notice of Meeting~~704 Fire Protection Systems; and
- (10) The International Property Maintenance Code shall have no force and effect to the following: ~~owner-occupied structures~~, housekeeping units, ~~nonresidential occupancies~~, and hotels. However, the IPMC shall be of full force and effect as it relates to any and all properties deemed a public nuisance under this chapter and to any and all properties under article III and article IV.

Definitions and requirements in this article, which differ from the IPMC, shall control.

#### **60-7. Powers**

- (a) The administrator is hereby authorized and directed to enforce the provisions of this chapter. The administrator shall have the authority to render interpretations of this chapter and to adopt policies and procedures to clarify the application of the provisions. Such interpretations and policies shall be with the intent and purpose as set out in this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided in this chapter.
- (b) The administrator shall make all of the required inspections, or shall accept reports of inspections by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual.

- (c) The administrator is authorized to engage such expert opinion(s) as deemed necessary to report upon unusual technical issues that arise with the assistance of the building official, subject to the approval of the appointing authority.
- (d) The administrator shall keep and maintain all records of inspections, licenses, extensions, Housing Appeals Board actions, fines, variances, modifications, and all other records maintained by the division.
- (e) The administrator is authorized to enter into renovation agreements and agreements to extend time for compliance with this chapter.

**60-8. Right of entry.**

~~The administrator is authorized to enter at reasonable times onto and into open unobstructed property and structures to inspect, and a property owner or occupant is required to allow such inspection. If entry onto real estate for the purposes described in this chapter is refused, the administrator may pursue a municipal infraction and/or obtain an administrative search warrant as provided by law to gain entry onto the real estate for the purpose of inspection or otherwise as provided by law.~~ Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the administrator has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the administrator is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, so long as the following procedures are followed:

If such structure is unoccupied and standing open and unobstructed, the administrator may enter the structure for purpose of inspection and secure the structure against entry.

If such structure or premises is occupied, the administrator shall first present credentials to the occupant and request entry.

If such structure or premises is unoccupied, the administrator shall first make a reasonable effort to locate the owner, owners authorized agent or other persons having charge or control of the structure of the premises and request entry.

If the administrator's entry is refused, the administrator may pursue a municipal infraction and/or obtain an administrative search warrant as provided by law to gain entry onto the real estate for the purpose of inspection or otherwise as provided by law.

**60-11. Alternative materials, design and methods of construction and equipment.**

The provisions of this chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this ~~chapter code~~ provided that any such alternative has been approved by the ~~administrator~~ City.

- (1) An alternative material, design or method of construction ~~may shall~~ be approved by city staff where ~~the administrator it is found: finds:~~
  - (a) The proposed design is satisfactory and complies with the intent of the provisions of this ~~code chapter~~;
  - (b) The material, ~~and design and~~ method of work offered is at as least equivalent in quality, strength, effectiveness, fire resistance, durability, and safety of that prescribed in this ~~chapter code~~.

- (2) The use of used materials that meet the requirements of this ~~chapter code~~ for new materials may be permitted. Materials, equipment, and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition, and approved by the administrator.
- (3) Materials, design, equipment, and devices approved ~~by the administrator~~ shall be constructed and installed in accordance with such approval.
- (4) Where the alternative material, design, or method of construction is not approved, the administrator shall issue a decision in writing and state the reasons the alternative was not approved.
- (5) An owner(s) or authorized management agent may appeal a denial of an alternative material, method or equipment to the Housing Appeals Board.

**Sec. 60-13. Emergency action.**

Whenever, in the opinion of the administrator, there is imminent danger due to an unsafe condition(s), emergency action shall be required, and the administrator may seek authority to have the property vacated and/or may order the necessary work to be done to remove the imminent danger with or without notice, including, but not limited to, the boarding up of openings, to render such structure temporarily safe whether or not any legal procedure herein described has been instituted; and may cause such other action to be taken as the administrator deems necessary to meet such emergency.

**Sec. 60-19. Definitions.**

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*Administrator* means the administrator of the Neighborhood Inspection Division (“division”) or his/her designee. The administrator is the code official for this article and shall be the authorized representative for the enforcement of this chapter and for the administration of the division.

*Anchored* means secured in a manner that provides positive connection.

*Authorized management agent* means any person appointed by the owner(s) who has charge, care, or control of a structure or premises which is let or offered for occupancy. Such person shall be authorized to accept service of communications from the City of Des Moines.

~~*Anchored* means secured in a manner that provides positive connection.~~

*Basement* means that portion of a building which is partially or completely below grade.

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*Infestation* means the presence of insects, rats, vermin, or other pests within or contiguous to a structure or premises of insects, rodents, vermin or other pests.

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*Let for occupancy or let* means to permit, provide, or offer possession or occupancy of a dwelling, dwelling unit, duplex, rooming unit, boarding house, building, premise or structure by a person who is not the legal owner(s) of record thereof.

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*Occupant* means any individual living or sleeping in a building, or having possession of a space within a building.

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~~*Person means an individual, a corporation, a partnership, or any other group acting as a unit.*~~

*Pest elimination* means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible material that serve as the food or water; or by other approved pest elimination methods.

*Premises* means a lot, plot, or parcel of land, easement or public way, including any structure or mobile home thereon.

*Public way* means any sidewalk, street, alley, right-of-way or similar place of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

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*Tenant* means a person, corporation, partnership, entity or group, not the legal owner(s) of record, occupying a building or portion thereof as a unit.

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#### **Sec. 60-30. Rental business license required.**

No owner(s) shall rent, let, lease, or otherwise allow the occupancy of any dwelling, mobile home, dwelling unit, or rooming unit unless that owner(s) holds a valid rental business license for the rental property.

#### **Sec. 60-31. Required owner(s) or authorized management agent information.**

- (a) Owner(s) of residential rental property in the city who reside in Polk County or any county contiguous thereto shall provide the administrator with a physical address, email address, tax identification number and telephone numbers.
- (b) Owner(s) of residential rental property located in the city who reside outside Polk County or any contiguous county shall provide the administrator with the information required in 60-31 (a) and the name physical addresses, email address, tax identification number, and telephone number of an individual over the age of eighteen (18) who shall reside in Polk County or any county contiguous thereto and who shall be designated as the ‘authorized

management agent” responsible for maintenance of the property and for receiving notice and service of process.

**Sec. 60-32. Application for a business account and/or rental business license.**

- (a) Owners of rental properties ~~must shall~~ establish a business account with the City of Des Moines by submitting a complete rental application. The business account will allow the owner to manage all rental properties through this account.
- (b) All the information set forth in Sec. 60-31 shall be required in order for a rental application to be considered complete.
- ~~(b)~~(c) The owner must request a rental business license for each rental unit, duplex or multifamily dwelling at least sixty (60) days prior to rental occupancy. The license will be issued upon an approved completed application and the property passing a rental inspection.
- ~~(e)~~(d) Upon purchase of a property that has a current rental business license the owner shall establish a business account and/or a rental business license. The renewal inspection will be scheduled on the same schedule as the renewal for the previous owner.
- ~~(d)~~(e) If the information provided in the ~~business account or~~ rental business license application does not include the information required in section 60-31 of this article, a research fee will be charged in the amount set forth in the schedule of fees adopted by the city council by resolution for compensation for staff time in collecting the additional information. Each request for information will result in an additional research fee.
- ~~(e)~~(f) Sixty (60) days prior to the renewal date of the rental business license, the division will mail or email a notification to the property owner(s), and ~~or~~ the management agent as designated in the ~~business account rental application~~ maintained with the division that the notice of the expiration of the license is in their account. The notice will include the expiration date of the license and pertinent information for contacting the division. Failure by the division to send the notice of expiration does not eliminate the obligation of the owner(s) to request a renewal inspection and failure to obtain the inspection will result in expiration of the rental business license.
- ~~(f)~~(g) The owner or registered management agent ~~will be required to~~ shall update any information in the ~~business account and/or~~ rental business license application that has changed, request an inspection and pay the fee for the first renewal inspection.
- ~~(g)~~(h) The owner(s) of the property shall be required to update the business account information provided in the application anytime a change in information is made, including but not limited to mailing address, physical address, email information, change in authorized management agent or sale of the property.
- ~~(h)~~(i) It is the responsibility of the owner(s) or authorized management agent to contact the division to set the date and time of all inspections.

**Sec. 60-33. Inspection, notice of violation and method of service**

- (a) The administrator shall inspect the primary dwelling unit(s), accessory structure(s) and premise.

- (b) If the administrator determines that the structure(s) and/or premises are being maintained in violation of this chapter, the administrator shall provide notice of the violation(s) to the owner(s) ~~or~~ and authorized management agent of the premises as designated in the rental business license(s) maintained with the division by email or sent by regular mail.~~that the notice is available in their account.~~ If the administrator does not have an email address for the owner, the administrator shall provide notice by regular mail to the owner listed on the Polk County or Warren County Assessor websites or at an address determined to be valid. Such notice shall:
- (1) Be in writing;
  - (2) Include a description of the real estate sufficient for identification;
  - (3) Describe the violation and remedial action required;
  - (4) State that all ~~health, safety, and maintenance~~ violations must be corrected within thirty (30) days from receipt of this notice;
  - (5) Advise that if a violation still exists upon re-inspection, the administrator will suspend a valid rental business license and refer the owner(s) or authorized management agent to the Housing Appeals Board;
  - (6) Advise that upon failure of the owner(s) or authorized management agent to arrange for a re-inspection within thirty (30) days from receipt of the notice, it will be presumed the violations have not been abated and administrator will suspend a valid rental business license and refer the owner(s) or authorized management agent to the Housing Appeals Board;
  - (7) Advise of the right to file an appeal of a violation set out in the notice of violation and the amount of the appeal fee; and
  - (8) Include a statement of the right of the division to collect unpaid costs by personal judgment, collection, or assessment to be collected as a property tax.

#### **Sec. 60-34. Renovation agreement.**

Any maintenance items which cannot be completed within this time because of weather constraints or extraordinary circumstances not of the owner(s) or authorized management agents making or are beyond the owner's or authorized management agent's control they may request an extension of time.

- (1) An owner(s) or authorized management agent may make a request accompanied by the fee set forth in the schedule of fees adopted by the city council by resolution, for an extension that is specific to the structure or premise and must show that:
  - (a) Strict compliance with this chapter is impractical;
  - (b) The extension does not violate the intent and purpose of the Municipal Code; and
  - (c) Such modification does not endanger the life, health, or safety of the occupants or the integrity of the structure.
- (2) At the administrator's discretion, proof of financial ability to complete the repair(s) may be requested and must be provided by the owner(s) or authorized management agent prior to approval.



- (3) Extensions of time will be entered into by the owner(s) or authorized management agent and the administrator through an executed renovation agreement.
- (4) Upon execution of a renovation agreement, a temporary rental business license will be issued which will expire upon the date set for completion of the repairs as set out in the agreement.
- (5) An owner(s) or authorized management agent may appeal a denial of an extension to the Housing Appeals Board.

**Sec. 60-35. Compliance and rental business license.**

- (a) Upon compliance, the division shall issue a rental business license. Notice of the issuance will be provided to the owner or authorized management agent as designated in the business account or rental business license information maintained with the division and shall be by email that the notice is available in their account as provided in the records provided to the city.
- (b) The owner(s) ~~and/or~~ authorized management agent will be notified of an invoice for all fees owed, provided to the owner ~~and/or~~ authorized management agent as designated in the business account or rental business license information maintained with the division and shall be by sent regular mail or by email ~~that the notice is available in their account~~ as provided in the records-application provided to the city.
  - (1) Rental inspection fees will be charged in the amount set forth in the schedule of fees adopted by the city council by resolution.
  - (2) Costs due for fees, fines, penalties and costs imposed upon the owner in the enforcement shall be payable within thirty (30) days of the date of billing and if unpaid will be collected as a special assessment, personal judgment, or any other collection measure deemed appropriate.
  - (3) Structures referred to the legal department for prosecution will be inspected as necessary to enforce the code and associated costs, fees, fines, and penalties will be billed as set out in the schedule of fees adopted by the city council by resolution.
- ~~(c)~~ b) The rental business license issued under this article shall contain the following information:
  - (1) The owner(s) name(s);
  - (2) The name of the authorized management agent;
  - (3) Contact information for the owner(s) ~~and/or~~ the authorized management agent;
  - (4) The local address and type of structure;
  - (5) The number of units;
  - (6) The date of inspection;
  - (7) The date of issuance; and
  - (8) The license renewal-expiration date.
- ~~(d)~~ e) A license will be issued for the following periods:

LICENSE CATEGORY I	
1 or 2 units — no violations on first inspection	License length 3.5 years
3 plus units — no violations on first inspection	License length 2.5 years

1. Must have valid business account information on file prior to inspection;
2. Must have had no founded maintenance complaints since the last inspection;
3. Must have no outstanding fees due or billings due the division for the property;
4. Must be current on property taxes and special assessments due the division for the property;
- and
5. Must have had no nuisance clean ups or impounds since the last renewal license was issued.

LICENSE CATEGORY II

1 or 2 units Not more than 8 violations per unit	License length 2.5 years
3 to 12 units—violations not more than 1.5 violations per unit and common areas	License length 1.5 years
13 plus units— violations not more than 1 per unit and common areas	License length 1.5 years

1. Must have valid rental [business](#) license information on file before extension of the license;
2. Must have had no more than one founded maintenance complaint since the last inspection;
3. Must have no outstanding fees due the division for the property; and
4. Must be current on taxes and special assessments due the division for the property.

LICENSE CATEGORY III

1 to 2 units—more than 8 violations or HAB referral	License renewal length 1.5 years
3 through 12 units—more than 1.5 violations per unit per building and common areas or HAB referral	License renewal length 9 months
13 plus units—more than 1 violation per unit per building and common areas or HAB referral	License renewal length 9 months

- (ed) A rental [business](#) license issued under this article shall not be transferred upon the sale of the property.
- (fe) The owner(s) of a multiple dwelling unit shall display a copy of the rental [business](#) license in a common hallway of each building or in the on-site management office. The owner(s)

of single-family and duplex dwellings must provide a copy of the rental business license upon request.

(gf) Newly constructed or renovated rental structure(s) issued a certificate of occupancy will be required to make application for a rental business license, pay a registration fee in the amount set forth in the schedule of fees adopted by the city council by resolution when the certificate of occupancy is issued.

- (1) Residential apartment buildings will be issued a rental business license valid for 2.5 years.
- (2) Single-family dwellings, duplex structures, mobile homes, condominiums, and townhomes will be issued a rental business license valid for 3.5 years.
- (3) Thereafter applications and license re-inspections will occur in accordance with this article.

### Sec. 60-42. Appeals.

(a) *Appeal rights.* Any person directly affected by a decision of the administrator, issued under this chapter shall have the right to appeal to the Housing Appeals Board provided that written application is filed within ten (10) days after the date the decision or order was mailed or emailed and shall be accompanied by payment of a filing fee charged in the amount set forth in the schedule of fees adopted by the city council by resolution. An application for appeal shall be based on a claim that:

- (1) The true intent of this chapter or the rules legally adopted thereunder have been incorrectly interpreted;
- (2) The provision of this chapter do not fully apply; or
- (3) The requirement of this chapter are adequately satisfied by other means.

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(e) *Referral of owner(s) or authorized management agent by the administrator:*

- (1) An owner(s) or authorized management agent shall be referred to the Housing Appeals Board for failure to comply with an inspection notice.
- (2) The owner(s) shall be charged an administrative fee in the amount set forth in the schedule of fees adopted by the city council by resolution.
- ~~(3) The division shall provide notice of the hearing at least ten (10) days before the next Housing Appeals Board meeting by sending an email stating there is a notice in their account or by regular mail if their email is unknown.~~
- ~~(34)~~ Final inspections to determine compliance will be conducted by the division no later than seven (7) days before the scheduled hearing.
- ~~(45)~~ If the owner(s) or authorized management agent appears before the Housing Appeals Board, they will be charged a fee in the amount set forth in the schedule of fees adopted by the city council by resolution for the cost of the hearing.
- ~~(65)~~ If an owner(s) or authorized management agent referred to the Housing Appeals Board has brought the structure(s) into compliance prior to that board meeting, they

shall be charged a fee in the amount set forth in the schedule of fees adopted by the city council by resolution.

(67) If an owner(s) or authorized management agent fails to appear before the Housing Appeals Board, the property will be referred to the legal division for legal action and the full penalty fine shall be imposed for failure to timely correct the violations.

(f) *Appeal of amount of a penalty fine or pending assessment.*

(1) An owner(s) or authorized management agent may appeal the amount of a penalty fine within (10) days of the date the mail is sent informing the owner(s) or authorized management agent that the notice of an invoice for costs due or notice of intent to assess costs due is available in their account.

(2) The appeal must be made in writing to the division and be accompanied by the application fee as set out in the schedule of fees adopted the city council.

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**Sec. 60-43. Housing Appeals Board noticesHearing.**

(a) At least 10 days before the next Housing Appeals Board meeting, the administrator shall notify the appellant and all board members of the date, time, and location of the hearing.

(b) The administrator shall provide the decision of the Housing Appeals Board to the owner(s) and authorized management agent including the amount of the fine imposed if any, by sending an email or by regular mail.

~~At the hearing the appellant and/or a person representing the appellant shall have the opportunity to be heard, the right to call witnesses, and to be represented by counsel. The Housing Appeals Board shall issue a ruling which must be based upon the evidence presented. The administrator shall keep an accurate record of the proceedings. A copy of the minutes shall be issued to all members of the Housing Appeals Board prior to the next Housing Appeals Board meeting.~~

**Sec. 60-44. FinesHearing.**

~~At the hearing the appellant and/or a person representing the appellant shall have the opportunity to be heard, the right to call witnesses, and to be represented by counsel. The Housing Appeals Board shall issue a ruling which must be based upon the evidence presented. The administrator shall keep an accurate record of the proceedings. A copy of the minutes shall be issued to all members of the Housing Appeals Board prior to the next Housing Appeals Board meeting.~~

~~The Housing Appeals Board may impose a fine for any violation of this chapter in the amount set forth in the schedule of administrative penalties adopted by the city council by resolution, including but not limited to the following:~~

~~(1) For each day the owner fails to arrange for an inspection within the time set forth in this chapter.~~

~~(2) For each violation not corrected within the time designated in the notice of violation or within such time the owner has been granted an extension of time.~~

- a. ~~Failure to arrange for a timely re-inspection shall give rise to a presumption that the violation was not corrected and a fine shall be imposed accordingly;~~
- b. ~~Violations not corrected in the allotted time shall be subject to the maximum fine, retroactive to the original date set forth in the violation notice.~~
- (3) ~~The Housing Appeals Board shall have the authority to impose the maximum fine, a lesser fine, or to waive the fine upon good cause shown.~~

**Sec. 60-45. ~~Housing Appeals Board notices~~Fines.**

The Housing Appeals Board may impose a fine for any violation of this chapter in the amount set forth in the schedule of administrative penalties adopted by the city council by resolution, including but not limited to the following:

- (1) For each day the owner fails to arrange for an inspection within the time set forth in this chapter.
- (2) For each violation not corrected within the time designated in the notice of violation or within such time the owner has been granted an extension of time.
  - a. Failure to arrange for a timely re-inspection shall give rise to a presumption that the violation was not corrected and a fine shall be imposed accordingly;
  - b. Violations not corrected in the allotted time shall be subject to the maximum fine, retroactive to the original date set forth in the violation notice.
- (3) The Housing Appeals Board shall have the authority to impose the maximum fine, a lesser fine, or to waive the fine upon good cause shown.
- ~~(a) The administrator shall notify the appellant and all board members of the date, time, and location of the hearing.~~
- ~~(b) The administrator shall provide the decision of the Housing Appeals Board to the owner(s) or authorized management agent including the amount of the fine imposed if any, by sending an email stating there is a notice in their account or by regular mail if their email is unknown.~~

**Sec. 60-50. Notice of sale of rental property.**

- (a) Every owner(s) of a rental property shall give notice in writing to the administrator within two business days after closing when the rental property is transferred. This notice shall include the name and address of the buyer. The notice shall identify:
  - (1) The address of the affected property;
  - (2) The name and address of all parties named in the transfer and the interest(s) in the property conveyed or received by each party;
  - (3) The buyer shall also provide a copy of the recorded deed, real estate contract, or memorandum of contract recorded with the county recorder pursuant to state law, within ten (10) days of recording; and
  - (4) The ownership records and responsibility for the care and upkeep of the real estate will remain the seller's responsibility until the Division has a copy recorded deed or contract transferring the real estate.
- (b) A seller of a rental property shall inform the prospective buyer of the following at least fourteen (14) days prior to the closing:
  - (1) Current status of the rental business license;

- (2) Any outstanding notice regarding violations of this article; and
  - (3) The existence of any court or administrative proceeding which pertains to violations of this article, stating the case numbers and names of all parties to the proceedings.
- (c) If a property remains a rental property after a transfer, it shall remain subject to any active notice of violation previously issued under this article and the violations must be abated so as to bring the property into compliance with this article.

*Subdivision II. ~~External~~ Property Areas*

**Sec. 60-62. Repairs.**

All repairs shall be done in a workmanlike manner and the site shall be maintained in a safe and sanitary condition. All work must be done in accordance with the 2015~~21~~ International Property Maintenance Code, and any standard, national, and international codes as adopted by the Municipal Code of the City of Des Moines.

**Sec. 60-65. Sidewalks and driveways.**

All privately-owned sidewalks, walkways, stairs, driveways, ramps, parking spaces and similar areas shall be kept in a proper state of repair; and maintained free from hazardous conditions.

- (1) A defective condition exists when it exhibits one or more of the following characteristics:
  - a. Vertical separations equal to three-fourth inch (3/4") or more;
  - b. Horizontal separations equal to three-fourth inch (3/4") or more;
  - c. Holes or depressions equal to three-fourth inch (3/4") or more;
  - d. Spalling over fifty percent (50%) of a single square or panel of sidewalk with one or more depressions equal to one-half inch (1/2") or more;
  - e. A single square or panel of sidewalk cracked in such a manner that no part thereof has a piece greater than one (1) square foot, or is cracked in such a manner that it constitutes danger or potential danger to the public;
  - f. A sidewalk with any part thereof missing to the full depth;
  - g. A deviation on the staked and constructed grade equal to three-fourth inch (3/4") or more;
  - h. Covered in whole or in part with weeds or other plants, garbage, junk, rubbish, debris, solid waste, bird or animal droppings or any nuisances, obstructions or hazards which makes or tends to make pedestrian travel either dangerous or impractical.
- (2) Gravel drives or parking areas must be maintained with a surface area consisting of a uniform layer of gravel evenly distributed, and must be free of bare spots, ruts, and vegetation. The consistency of the surface must be tightly bound and consistently graded. All defects must be repaired with clean fill material consistent with the existing drive or parking area that does not contain dirt, sticks, construction debris or other foreign material.
- (3) This section shall not apply to sidewalks, walkways, stairs, driveways, ramps, parking spaces and similar areas in the city right of way or public ways.

**Sec. 60-66. Weeds.**

Premises and exterior property, including fence lines, shall be maintained free from weeds or plant growth in excess of 12 inches, and all noxious weeds shall be prohibited. Weed shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided however, this term shall not include cultivated flowers and gardens-beds.

**Sec. 60-70. Motor vehicles.**

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept, or stored on any premises, and no vehicles 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.

**Sec. 60-73. Swimming pool enclosures.**

Private swimming pools, hot tubs and spas, capable of containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is ~~not~~ less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from ~~for~~ the gatepost. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces the effectiveness as a safety barrier.

**Sec. 60-76. General maintenance.**

All exterior surfaces shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tightwatertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**Sec. 60-80. Roofs and drainage.**

The shingles and flashing shall be in good condition and weather tight. No more than one layer of shingles areis allowed. Soffit, fascia, and trim must be in good repair and impervious to

weather. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a ~~public nuisance hazard~~.

**Sec. 60-84. Chimneys and towers.**

All chimneys, cooling towers, smoke-stacks, and similar appurtenances shall be maintained structurally safe and sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating material, such as paint or similar surface treatment.

**Sec. 60-86. Windows, skylights and door frames.**

Every window or skylight shall be fully supplied with window glass or an approved material which is glazed and without cracks or holes, door and frame shall be kept in sound condition, good repair and weather tight. ~~All glazing materials shall be maintained free from cracks and holes.~~

**Sec. 60-88. Screens.**

All openable windows in ~~habitable habitual~~ rooms, inclusive of all bathrooms shall be supplied with approved tight-fitting screens of not less than 16 mesh per inch. All screen doors required for ventilation shall be supplied with 16 mesh per inch. Every swinging door shall have a self-closing device in good working order.

**Sec. 60-89. Doors.**

~~All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and rooming units shall tightly secure the door.~~

~~Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and bedrooms shall tightly secure the door. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic -closing doors of approved construction meeting the fire protection requirement of the assembly.~~

**Sec. 60-91. Guards for basement windows.**

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against ~~the~~ entry ~~of rodents~~.

**Sec. 60-92. Building security.**



Doors, windows or hatchways for dwelling units, room units shall be provided with devices designed to provide security for the occupants and property within.

- (1) Doors providing access to a dwelling unit or rooming unit that is rented, leased or let shall be 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 minimum lock throw of 1 inch. Such deadbolt shall be installed according to the manufacture specifications and maintained in good condition. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.
- (2) Openable windows located in whole or in part within 6 feet above ground level or a walking surface below that provide access to a dwelling unit or rooming unit that is rented, leased or let shall be equipped with a window sash locking device.
- (3) Basement hatchways that provide access to a dwelling unit or rooming unit is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

#### **Sec. 60-106. Infestation.**

All structures shall be kept free from insect and rodent infestation. Where insects or rodents are found, they shall promptly be exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

(1) *Owner.* The owner(s) ~~of~~ of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

(2) *Single occupant.* The occupant of a single-family dwelling shall be responsible for extermination. However, in the event the infestation is a direct result of the owner(s) failure to maintain the property in accordance with this chapter, the owner shall be responsible for extermination.

(3) *Multiple occupancy.* The owner(s) of a structure containing two or more dwelling units, a multiple occupancy, or a rooming house shall be responsible for extermination.

#### **Sec. 60-111. Minimum room widths.**

A habitable room, other than a kitchen, shall be not less than seven (7) feet in any plan dimension. Kitchens shall have a minimum clear passageway of three (3) feet between counter-fronts and appliances or counter-fronts and walls.

#### **Sec. 60-112. 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 seven (7) feet.

Exceptions:

- (1) In one- and two-family dwellings, beams or girders may be spaced not less than four (4) feet on center and projecting not more than six (6) inches below the required ceiling height.
- (2) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study, or recreation purposes, may have a ceiling height of not less than six (6) feet eight (8) inches, with not less than six (6) feet four (4) inches of clear height under beams, girders, ducts, and similar obstructions.
- (3) Rooms occupied exclusively for sleeping, study, or similar purposes may have a sloped ceiling over all or part of the room, but must have a clear ceiling height of at least seven (7) feet over not less than one-third ( $\frac{1}{3}$ ) of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five (5) feet or more shall be included. ~~The floor and walls must be impervious to leakage of underground and surface runoff water and be insulated against dampness.~~

**Sec. 60-113A. Room area.**

Every living room shall contain not less than 120 square feet and every bedroom shall contain not less than 70 square feet and every bedroom occupied by more than one person shall contain not less than 50 square feet of floor area of each occupancy thereof.

**Sec. 60-113B. Access for 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 other habitable space. This requirement shall not apply to units that contain fewer than two bedrooms.

**Sec. 60-114. Overcrowding.**

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements.

Table 60-114 minimum area requirements

<u>Space</u>	<u>1-2 occupants</u>	<u>3-5 occupants</u>	<u>6 or more occupants</u>
<u>Living room</u>	<u>120 square feet</u>	<u>120 square feet</u>	<u>150 square feet</u>
<u>Dining room</u>	<u>No requirement</u>	<u>80 square feet</u>	<u>100 square feet</u>
<u>Bedrooms</u>	<u>Shall comply with 60-113</u>	<u>Shall comply with 60-113</u>	<u>Shall comply with 60-113</u>

**60-114A. Sleeping area.**

The minimum occupancy area required by table 60-114 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with section 60-113.

**60-114B. Combined spaces.**

Combined living room and dining room spaces shall comply with the requirements of Table 60-114 if the total area is equal to that required for separate rooms and if -the space is located so as to function as a combination living room/dining room.

**Sec. 60-117. Common halls and stairways.**

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least one 60-watt standard incandescent light bulb for each 200 square feet of floor area ~~of or~~ equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. ~~In residential occupancies, means of egress, including exterior means of egress stairways, shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one foot-candle at floors, landings and treads.~~

**Sec. 60-118. Other spaces.**

~~All~~Other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

**Sec. 60-120. Clothes dryer exhaust.**

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions. This requirement shall not apply to listed and labeled condensing (ductless) clothes dryers.

**Sec. 60-126. General.**

Plumbing fixtures and connections to an approved water source shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures and connections are designed. Plumbing fixtures and connections shall be maintained in a safe, sanitary and functional conditions. All plumbing repairs and or replacement of plumbing components must be installed in accordance with the Uniform Plumbing Code as adopted by the Municipal Code.

**Sec. 60-128. Rooming houses.**

At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

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

**Sec. 60-130. Proper connection.**

Every ~~mobile home~~, sink, lavatory, bathtub, shower, water closet, or other plumbing fixture shall be properly connected to either a public water system or a private water system tested in accordance with state law. All ~~mobile homes~~, kitchen sinks, lavatories, laundry facilities, bathtubs, and showers shall be supplied with hot and cold running water in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

**Sec. 60-132. Plumbing system hazards.**

Where it is found that a plumbing system in a structure or its connection constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reason, the Administrator shall require the defects to be corrected to eliminate the hazard.

**Sec. 60-137. Facilities required.**

Every occupied rental building and rental mobile home shall be provided with an electrical system and connection in compliance with the requirements of this ~~chapter code~~.

**Sec. 60-138. Service.**

The size and usage of appliances and equipment shall serve as the basis for determining the need for additional facilities in accordance with the applicable standard, national, and international codes. Dwelling units shall be served by a three-wire 120/240-volt, single phase electrical service having a rating of not less than 60 amperes.

**Sec. 60-141. Receptacles.**

Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All electrical outlets shall have the appropriate faceplate ~~cover~~ for the location.

**Sec. 60-142. ~~Lighting fixtures.~~Luminaires.**

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room, and furnace room shall contain not less than one electric luminaire~~lighting fixture~~.

**Sec. 60-144. Electrical hazard.**

Where it is found that the electrical service in, or connecting to, a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the administrator shall require the defects to be corrected to eliminate the hazards.

**Sec. 60-166. General.**

Systems, devices and equipment to detect a fire, actuate and alarm, suppress or control a fire or any combination other of shall be maintained in operable condition at all times in accordance with the Municipal Code.

**Sec. 60-168. Exits.**

Every dwelling unit shall have at least one means of exit, with minimum headroom of six feet six inches, leading to safe and open space at ground level; every dwelling unit in a multiple dwelling shall have access to two or more means of exit from the third floor and above and from the second story as required by the building code. Where two means of exit are required, one shall be deemed the emergency exit and shall be remote from the primary means of exit or shall be separated by one-fifth of the perimeter of the area served and shall have a clear unobstructed opening leading to a safe open space at ground level. Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimensions shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches. The net clear opening dimensions shall be the result of normal operations of the opening. Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 44 inches measured from the floor. If the opening is a door, the size of the opening must be a minimum of 24 inches wide and six feet six inches high. Exits existing under a previous code shall remain and be maintained in good working order. Required emergency escape and rescue openings shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort.

**Sec. 60-170. Knockout panels.**

- (a) All knockout panels in approved exit openings shall be a minimum of ten inches by ten inches in size, shall have only single strength glass, and shall be labeled directly on the panel "emergency exit - break glass," in contrasting colors at least one inch in height,

and one-quarter inch stroke. Knockout panels shall be located not more than 42 inches from the floor to the top of the knockout panel and shall permit the lock or latch on the inside of the exit door to be operated quickly and easily. No more than one lock or latch shall be permitted on any approved exit door. No more than one intervening door containing a knockout panel shall be permitted in the exit way from any unit. No new installations or repair of existing knockout panels shall be permitted.

- (b) All knockout panels are deemed to be a hazardous means of egress and shall be eliminated and replaced with a code compliant means of egress by the second license renewal inspection after June 1, 2021 and no later than June 1, 2025.

### **Sec. 60-172. Clear path.**

~~Every exit way, hall, corridor, or exit door shall be kept completely clear of anything which might prevent easy and rapid exit from the building if a fire occurs.~~

A safe, continuous, and unobstructed path of travel shall be provided from any point in a building of structure to the public way. Means of egress shall comply with the International Fire Code.

### **Sec. 60-173. Fire extinguishers.**

Except in single-family and duplex dwellings, type 2A:~~10BC~~ rated fire extinguishers, ~~five pound minimum~~ shall be provided on each floor, so located that they will be accessible to the occupants, and spaced so that no person will have to travel more than 75 feet from any point to reach the nearest extinguisher. All ~~hand~~-fire extinguishers shall be maintained in proper working condition at all times. Fire extinguishers shall be inspected at least once a year and shall have an approved tag showing the date of the last inspection or recharge and the identity of the licensed person inspecting or recharging it.

### **Sec. 60-174. Smoke ~~detectors~~ alarms carbon monoxide alarms.**

Listed single and multiple station smoke alarms complying with UL 217 shall be installed in all of the following locations:

- (a) Every dwelling unit shall have an approved smoke ~~detector~~ alarm on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of the bedroom.
- (b) Every room used for sleeping shall have an approved smoke ~~detector~~ alarm.
- (c) Every story within a dwelling unit, including basements and cellars, but not including crawlspaces and uninhabitable attics, shall have an approved smoke ~~detector~~ alarm. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.
- (d) Carbon monoxide alarms are required in single-family rental units, single-family residences, and multiple-unit residential buildings if the building is served by a fuel-burning heater, fuel-burning furnace, fuel-burning appliance, fuel-burning fireplace, or has

an attached garage and must be installed immediately and no later than June 1, 2025. Installations shall be in the following locations and installed per in accordance with manufactures specifications.

(1) Dwelling units. Carbon monoxide detection shall be installed in dwelling units outside of each separate sleeping area in the immediate vicinity of the bedrooms. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, carbon monoxide detection shall be installed within the bedroom.

(2) Bedrooms. Carbon monoxide detection shall be installed in bedrooms. Carbon monoxide detection shall be allowed to be installed outside of each separate sleeping area in the immediate vicinity of the bedroom where the bedroom or its attached bathroom does not contain a fuel-burning appliance and is not served by a forced air furnace.

~~(e) — A carbon monoxide alarm shall be installed in the following locations:~~

~~1. Outside of each bedroom, and~~

~~In every occupiable level of a dwelling, including basements.~~

### **Sec. 60-176. Combustible materials.**

Combustible materials shall not be stored in furnace rooms or under stairways unless the stairway is protected by a one-hour fire separation. Charcoal burners and open flame cooking devices, which produce ashes or embers shall not be operated on combustible balconies or within 10 feet of combustible construction with the exception of:

(1) One- and two-family dwellings; or

~~(2) — Where buildings and decks are protected by an automatic sprinkler system; or~~

~~(23)~~ The cooking device is an LP-gas burner connected to (one) 20-pound LP gas container.

### **Sec. 60-182. Remediation.**

Lead-based paint on the following surfaces shall be removed in accordance with Federal and State requirements:

(1) Interior window-sills.

(2) Handrails.

(3) Stair treads not completely covered by carpeting or other suitable material.

(4) Friction surfaces, which means any interior or exterior surface that is subject to abrasion or friction, including but not limited to certain window, door, and floor surfaces.

(5) Any other area where there is demonstrable evidence of chewing activity or evidence that paint has been damaged or deteriorated.

### **Sec. 60-184. Heating equipment.**

When the temperature is below 60 degrees Fahrenheit, every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68 degrees at a point of three feet above the floor and two feet from exterior walls in all habitable rooms, bathrooms and toilet rooms.

### Sec. 60-191. Vacation and abatement.

Any structure, dwelling, mobile home, equipment, or premise declared to be a public nuisance and unfit for human habitation or use, and so designated by the administrator, shall immediately be vacated and the nuisance shall be abated by repair, rehabilitation, demolition, or any other City-approved corrective action. The owner(s) shall be responsible for the vacation and abatement of the nuisance at such owner's expense. If not complied by such owner(s), then the nuisance may be abated by the city at the owner's expense. As indicated by section 60-19, the owner of land upon which a mobile home sits is a responsible owner in the event that mobile home is declared to be a public nuisance. Both the owner of the mobile home and the owner of the land upon which the mobile home sits shall be responsible for vacation and abatement of the public nuisance.

### Sec. 60-192. Unsafe and dangerous structure or premise.

For the purpose of this article, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous and a public nuisance:

~~(1) (1) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.~~

~~(2) — The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn or loose, torn or otherwise unsafe so as to not provide safe and adequate means of egress.~~

~~(3) — Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.~~

~~(4) — Any portion of a building, or any member, appurtenance or ornamentation on the exterior of the structure that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.~~

~~(2) (5) — The building or structure, or part of a structure, because of dilapidation, deterioration, decay, faulty construction, the removal of movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.~~

~~(3) (6) — The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.~~

~~(4) (7) — The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.~~

~~(8) — Any building or structure that has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure or as provided by the approved building or fire code of the jurisdiction, or~~



~~of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.~~

~~(9) — A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise is determined by the administrator to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness of disease.~~

~~(10) — Any building or structure, because of lack of sufficient or proper fire resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the administrator to be a threat to life or health.~~

~~(511) Any portion of a building or structure remaining on site after the demolition or destruction of the building or structure or whenever building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.~~

~~(6) 12) Whenever the condition or maintenance of the premise creates a nuisance that endangers the health and safety of the residents or public.~~

~~(13) — Any structure that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or that contains unsafe equipment or is so damaged, decayed dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.~~

~~(14) — Unsafe equipment including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within in the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.~~

~~(7) Any structure that the administrator determines is unfit for human occupancy meaning that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.~~

(8) A building, structure or any portion thereof, because of inadequate maintenance, dilapidation, decay, damage, mold, faulty construction or arrangement, inadequate light, ventilation, or otherwise is determined by the administrator to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(9) Siding and masonry joints, including joints between the building envelope and the perimeter of window, doors and skylights are not maintained weather resistance or watertight.

(10) Veneer, cornice, belt courses, corbels, rim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads resisting all load effects.

(11) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that were supporting all nominal loads resisting all load effects.

(12) Chimneys, cooling towers, smokestacks, and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

- (13) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
- (14) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
- (15) Exterior and interior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or broken and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
- (16) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundation is not capable of resisting all nominal loads or load effect.
- (17) Roof or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is fatigued or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
- (18) Any building or structure, because of lack of sufficient or proper fire-resistance-rated construction, fire protection systems, is determined by the administrator to be a threat to life or health.
- (19) Any structure that is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or that contains unsafe fire suppression equipment.
- (20) Unsafe equipment including any elevator, moving stairway, or other equipment on the premises or within in the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, or safety of the public or occupants of the premises or structure.
- (21) Stairs, decks, porches, balconies, walking systems, landings, and all similar appurtenances attached thereto, including guards and handrails are not structurally sound, not properly anchored or that anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- (22) Surfaces, including windows and doors, shall be maintained in good clean and sanitary conditions. Peeling chipping flaking or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood or other defective surface conditions shall be corrected.
- (23) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or incapable of supports all nominal loads and resisting all load effects.
- (24) Mechanical equipment, appliances, fireplaces, boilers, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function.
- (25) Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.
- (26) Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration, or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.
- (27) Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section

114.1.1 of the International Fire Code. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the fire code official shall act in accordance with Section 114.2 of the International Fire Code.

**Sec. 60-196. Public nuisance notice procedure.**

- (a) The owner(s) shall be notified in writing.
- (b) The notice shall contain:
  - (1) The name and last known address of those receiving notice;
  - (2) The legal description of the subject real estate and its street address, lot number;
  - (3) The name of the occupant(s), if known;
  - (4) A description of the conditions that constitute the nuisance and the remedial action required to abate the nuisance;
  - (5) A deadline for abatement of the nuisance;
  - ~~(5)~~(6) A statement the city council may approve legal action at the expiration of the deadline for abatement of the nuisance if a renovation agreement is not entered into.
  - ~~(6)~~(7) A statement of the right of the division to collect unpaid costs by personal judgment, collection, or assessment to be collected as a property tax.
- (c) The notice shall be served personally or by certified mail, return receipt requested.

**Sec. 60-197. Referral to city council.**

Any and all structures and/or accessory structures determined to be public nuisances under this Article, which are not brought into compliance in the time required, or where a renovation agreement has not been entered, and against which no emergency procedure for removal has been undertaken pursuant to this article shall be referred to the city council.

- (1) If the city council finds that a public nuisance exists and confirms the action of the administrator, it shall direct the legal division to file an action for nuisance abatement in district court.
- (2) If the city council finds that the ~~residential~~-structure is not a public nuisance, it shall revoke the determination of the administrator and direct such other action as it finds appropriate.
- (3) If the city abates the nuisance, the city council shall direct the abatement costs to be collected as a personal judgment against the current owner(s) of the structure and the real estate and may be collected against any other person or entity who owned the property while declared a public nuisance. The city may also assess the abatement costs against the property to be collected as a property tax.
- (4) City council authorizes the administrator to enter into renovation agreements and extensions of time, including requesting the legal department to set aside a judgment(s) or dismiss a pending legal action(s), where this is necessary, and when

it is deemed that the structure(s) and/or accessory structure(s) can be successfully renovated.

**Sec. 60-198. Service by public utilities.**

~~It shall be unlawful for any electric, gas, water, or other utility company in the city to provide service to any building, structure and/or accessory structure that the administrator has declared to be a public nuisance.~~

The administrator shall have the authority to request disconnection of utility serviced to the building, structure or system regulated by this code in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The administrator shall notify the serving utility and, whenever possible the owner and occupant of the building, structure, or service system of said request prior to taking such action.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

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Lisa A. Wieland

Assistant City Attorney