

Staff Report

**DISCUSSION OF POSSIBLE
EXTERIOR PROPERTY MAINTENANCE CODE ITEMS**

February 16, 2008

At the December 9, 2008 meeting, the City Council asked that the staff revisit the list of possible property maintenance code items that might be applied to both rental and owner-occupied residential units. As you will recall the Rental Housing Advisory Committee (RHAC) met over a number of months to clarify interpretations for various sections of the Rental Housing Code. Their discussions focused on 78 items. **Of this total, the majority of the RHAC members agreed to support 30 specific code items in the Rental Housing Code if they are applied equally to owner-occupied residential units.** Attached for your review is a summary of these issues (Appendix A).

Attachment 1 highlights the 30 items that the Rental Housing Advisory Committee (RHAC) originally recommended should be applied to both rental and owner-occupied residential units.

Since the time that the RHAC presented its findings to the City Council, the group has met and agreed that 6 items (#3,#11,#16,#28,#42,#65) could be dropped and 1 item revised (#9) from the original list that should be applied to owner-occupied residential units. These items involve the following issues: electric work by property owners, interior handrails and guardrails, interior stair dimensions and maintenance, unsafe wiring, exhaust vents, extermination, and electric service standards (Attachment 2).

Upon further review by the City staff, it is our recommendation that 8 items be eliminated (#3,#11,#16,#27,#28,#42,#65,#71), 1 item revised (#9), and one item added (#14) to the list of items that should be applied to owner-occupied-occupied residential units (Attachment 2).

The staff recommendation is different from the RHAC newest proposal in that we are suggesting that two additional items, egress windows (#71) and rodent harborage (#27), be dropped from the list and two items, structural members (#14) and exhaust vents (#28), be added back.

Staff's recommendation for those items to be considered for owner-occupied residential units is summarized on Attachment 3. This list of 23 items would focus on exterior issues only.

ATTACHMENT 1

Original RHAC Number	Code item description	Exterior Item	Interior Item
1	Building Numbering	Y	
3	Electrical Work By Property Owners/Managers/Maintenance		Y
4	Maintenance of Detached Garages, Sheds	Y	
7	Maintenance of Stairways, Decks, Porches, Balconies	Y	
9	Handrails and Guardrails (change to exterior reference only)	Y	Y
10	Exterior Stairs Maintenance, Rise, and	Y	
11	Interior Stairs Maintenance, Rise, and Run		Y
12	Roofs, Gutters, and Downspouts	Y	
13	Grading and landscaping	Y	
14	Structural Members	Y	Y
16	Unsafe Wiring	Y	Y
20	Tall Grass and Weed Control	Y	
26	Sidewalks and driveways	Y	
27	Rodent Harborage		
28	Exhaust Vents		
29	Defacement of Property	Y	
30	Protective Treatment - Paint	Y	
31	Foundation Walls	Y	
32	Decorative Features	Y	
33	Overhang Extensions	Y	
34	Chimneys and Towers	Y	
35	Doors - Exterior	Y	
36	Basement Hatchways-Maintenance	Y	
38	Exterior Walls	Y	
40	Disposal of Garbage, and Waste	Y	
41	Outdoor Storage	Y	
42	Extermination, Single Family Dwellings		Y
65	Electricity Service		Y
71	Egress Windows, Emergency Escape Openings		Y
77	Required Off-Street Parking: Hard Surface, Front Yard	Y	

ATTACHMENT 2

Original RHAC Number	Code item description	RHAC Would Consider Removing ---	City Staff Would Propose Removing ---- & Adding +
1	Building Numbering		
3	Electrical Work By Property Owners	---	---
4	Maintenance of Detached Garages, Sheds		
7	Maintenance of Stairways, Decks, Porches, Balconies		
9	Handrails and Guardrails (change to exterior reference only)	Revise	Revise
10	Exterior Stairs Maintenance, Rise, and		
11	Interior Stairs Maintenance, Rise, and Run	---	---
12	Roofs, Gutters, and Downspouts		
13	Grading and landscaping		
14	Structural Members		+
16	Unsafe Wiring	---	---
20	Tall Grass and Weed Control		
22	Property Maintenance Appeals Board		
26	Sidewalks and driveways		
27	Rodent Harborage		---
28	Exhaust Vents	---	+
29	Defacement of Property		
30	Protective Treatment – Paint		
31	Foundation Walls		
32	Decorative Features		
33	Overhang Extensions		
34	Chimneys and Towers		
35	Doors – Exterior		
36	Basement Hatchways-Maintenance		
38	Exterior Walls		
40	Disposal of Garbage, and Waste		
41	Outdoor Storage		
42	Extermination, Single Family Dwellings	---	---
65	Electricity Service	---	---
71	Egress Windows, Emergency Escape Openings		---
76	Partner with service organizations		
77	Required Off-Street Parking: Hard Surface, Front Yard		

ATTACHMENT 3

Original RHAC Number	Code item description
1	Building Numbering
4	Maintenance of Detached Garages, Sheds
7	Maintenance of Stairways, Decks, Porches, Balconies
9	Exterior Handrails and Guardrails
10	Exterior Stairs Maintenance, Rise, and
12	Roofs, Gutters, and Downspouts
13	Grading and landscaping
14	Structural Members
20	Tall Grass and Weed Control
26	Sidewalks and driveways
28	Exhaust Vents
29	Defacement of Property
30	Protective Treatment - Paint
31	Foundation Walls
32	Decorative Features
33	Overhang Extensions
34	Chimneys and Towers
35	Doors - Exterior
36	Basement Hatchways-Maintenance
38	Exterior Walls
40	Disposal of Garbage, and Waste
41	Outdoor Storage
77	Required Off-Street Parking: Hard Surface, Front Yard

Appendix A

1. Building Numbering

New and existing buildings shall have approved address numbers, building numbers, or approved identification placed plainly legible and visible from the street or road fronting the property.

1. Residences, Townhouses, and Businesses

The address number shall be made up of numbers which are not less than four inches in height, contrasting sharply in color with the background on which they are affixed, as near to the front entrance as possible, and practical.

2. Private Lane and Long Driveways

If any residence, apartment building, or business is located such that the address number is not clearly visible from the street, an additional address number shall be posted at the intersection of the driveway and the street. The additional address number shall be made up of numbers which are not less than four inches in height, contrasting sharply in color with the background on which they are affixed, and placed upon a post or other structure which displays the number at least forty-eight inches above the ground.

3. Apartment Buildings, High-rises, and Multi-tenant Buildings

Address numbers shall contrast sharply with the color of the background to which they are affixed, and shall be at least six inches in height. Apartment numbers for individual units within the complex shall be displayed on, above, or to the side of the doorway of each unit."

3. Electrical Work Which May Be Done By Property Owners/Managers

An unlicensed property owner, landlord, or maintenance person may perform routine maintenance upon rental property under their ownership or control. Routine maintenance means the repair or replacement of existing electrical apparatus or equipment, including but limited to switches, receptacles, outlets, fuses, circuit breakers, and fixtures, of the same size and type for which no changes in wiring are made, but does not include any new electrical installation or the expansion or extension of any circuit. The performance of routine maintenance in itself does not require a person to obtain or hold a license as an electrician or electrical contractor."

4. Maintenance of Detached Garages, Sheds

All accessory structures, including detached garages, fences, and walls shall be maintained structurally sound and in good repair. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

All exterior doors, door assemblies, and hardware shall be maintained in good working condition. Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

The roof and flashing shall be sound, tight, and not have defects that admit rainwater or snow melt.

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.

7. Maintenance of Stairways, Decks, Porches, Balconies

Every stair, ramp, landing, balcony, porch, deck, or other walking surface shall be maintained in sound condition and good repair.

Every exterior stairway, deck, porch, balcony, and all appurtenances attached thereto shall be maintained structurally sound, in good repair, with proper anchorage, and capable of supporting the imposed loads.

9. Handrails and Guardrails

Every exterior and interior flight of stairs having four or more risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than 30" above the floor or grade below shall have guards.

Note: the height of the door threshold above the porch, deck, or stoop is considered a riser if it is 4" or more in height. In recognition of the effects of seasonal freeze-thaw cycles, a tolerance of 1" may be applied, as appropriate to specific conditions.

Handrails shall not be less than 30" high or more than 42" high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30" high above the floor of the landing, balcony, porch, deck or ramp or other walking surface.

1. At such time as existing handrails are replaced, they must be in compliance with current City building code requirements.
2. In the event of fixed conditions that prevent the construction of code-compliant replacement handrails or guards, an owner may submit a "code modification request"
3. Minor repairs may be made without causing the handrails or guards to be brought into compliance with current requirements. Minor repairs are defined as:
 - a. replace treads
 - b. replace surface material at decks, porches, landings at exterior stairs
 - c. replacement of less than 40% of existing guards

10. Exterior Stairs Maintenance, Rise, and Run

Every exterior stairway and all parts attached thereto, including treads, risers, stringers, and handrails, shall be maintained structurally sound, in good repair, with proper anchorage, and capable of supporting the imposed loads."

1. Rise and run of existing stairs will be approved provided the components are maintained as required, above, and
 - a. The greatest tread depth within any flight of stairs does not exceed the smallest by more than 3/8 inch
 - b. The greatest riser height within any flight of stairs does not exceed the smallest by more than 3/8 inch

Exception, in recognition of the effects of seasonal freeze/thaw cycles on pre-cast concrete and other existing installations:

- i. the first riser in a flight of stair leading to a porch, deck, or stoop may be as much as 9" or as little as 6" in height above the adjoining sidewalk approach
 - ii. the height of the door threshold above the porch, deck, or stoop may be as much as 9"
 - c. The walking surface of treads and landings of stairways are not sloped in any direction more than 1/4 inch in 12 inches.
2. At such time as existing stairs are replaced, they must be built in compliance with current building code requirements for rise and run
 3. In the event of fixed conditions that prevent the construction of replacement stairs in compliance with current code, an owner may submit a "code modification request" for approval

4. Minor repairs may be made without causing the entire stairway to be replaced. Minor repairs are defined as:
 - a. replace handrail or any part or portion thereof
 - b. replace treads
 - c. replace surface material at decks, porches, landings
 - d. replace less than 40% of existing guards
 - e. other items as approved by the inspector

11. Interior Stairs Maintenance, Rise, and Run

Every interior stairway and all parts attached thereto, including treads, risers, stringers, and handrails, shall be maintained in sound condition and good repair.

1. Rise and run of existing stairs will be approved provided the components are maintained as required, above, and
 - a. The greatest tread depth within any flight of stairs does not exceed the smallest by more than 3/8 inch
 - b. The greatest riser height within any flight of stairs does not exceed the smallest by more than 3/8 inch
 - c. The walking surface of treads and landings of stairways are not sloped in any direction more than 1/4 inch in 12 inches
2. At such time as existing stairs are replaced, they must be built in compliance with current building code requirements for rise and run, provided there is sufficient floor area to enable a compliant stair to be constructed
3. In the event of fixed conditions that prevent the construction of new code-compliant stairs, an owner may submit a "code modification request" for approval
4. Minor repairs may be made without causing the entire stairway to be replaced. Minor repairs are defined as:
 - a. Replace handrail or any part or portion thereof
 - b. Replace treads
 - c. Replace surface material at landings
 - d. Replace less than 40% of existing guards
 - e. Rather items as approved by the inspector

12. Roofs, Gutters, and Downspouts

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

13. Grading and landscaping

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon or within any structure located thereon. Exception: Approved retention areas and reservoirs.

14. Structural Members

All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

16. Unsafe Wiring

All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.

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.

20. Tall Grass and Weed Control

General: Owners are responsible to mow grasses, trim shrubs and trees, manage cultivated plants, and control weeds throughout their properties in a neat and orderly condition, comparable to other properties in the neighborhood. Lawn grasses shall not exceed 12 inches in height.

Weeds: Owners are responsible to control all vines, brush, bushes, volunteer trees less than three inches in diameter, and noxious weeds which, in the judgment of the building or fire code Official or their designees, constitute a health, safety or fire hazard. Weeds, as used in this section, means all vegetation which is not purposefully planted, cultivated, and managed, and/or that which is purposefully planted, but which has been allowed to proliferate in an uncontrolled manner. This includes, but is not limited to, the specific list of plants identified by State Code Chapter 317. All vegetation in this category shall not exceed 12 inches in height.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after posting of a notice of violation and service of a notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

22. Property Maintenance Appeals Board

1. Application for appeal.

Any person directly affected by a decision of the code official, or a notice or order issued under this code, shall have the right to appeal to the Property Maintenance Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that there are specific fixed conditions that make strict compliance with the Code impracticable, and that the specific proposed alternative action will:

- a. Increase the degree of general code compliance of the specific system or throughout the building and premises; and
- b. Increase the comfort and use of the property for occupants; and
- c. Increase the asset value of the property to the owner and community

2. Membership of board.

The Board of Appeals shall consist of seven members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

Membership shall consist of:

- 1 - Small/medium property landlord
- 1 - Large property landlord

- 2 - Neighborhood resident owner-occupants with no financial interest in residential rental property
- 1 - Long term tenant
- 1 - Student tenant
- 1 - General contractor - with financial interest in not more than 6 rental properties
- 2 - Alternate members.

The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

3. Chairman.

The board shall annually select one of its members to serve as chairman.

4. Disqualification of member.

A member shall not hear an appeal in which that member has a personal, professional, or financial interest.

5. Secretary.

The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

6. Compensation of members.

Compensation of members shall be determined by law.

7. Notice of meeting.

The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

8. Open hearing.

All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official, and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

9. Procedure.

The board shall adopt, and make available to the public through the secretary, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

10. Postponed hearing.

When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

11. Board decision.

The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

12. Records and copies.

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

13. Administration.

The code official shall take immediate action in accordance with the decision of the board.

14. Court review.

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

15. Stays of enforcement.

Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

16. Filing fees.

Property owners are entitled to file one appeal per structure, per rental cycle, or at four year intervals, whichever is less, at no fee. Successive appeals filed on the same property within the same inspection cycle will be charged at the standard rate established by City Council. Rental cycle means: that period of time between the date of the most recent regularly scheduled rental inspection and the expiration date of the current Letter of Compliance.

26. Sidewalks and Driveways

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

27. Rodent Harborage

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

28. Exhaust Vents

Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

29. Defacement of Property

No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving, or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

30. Protective Treatment - Paint

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences 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 tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and 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.

31. Foundation Walls

All foundation walls shall be maintained safe and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

32. Decorative Features

All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

33. Overhang Extensions

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

34. Chimneys and Towers

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.

35. Doors - Exterior

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

36. Basement Hatchways

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

38. Exterior Walls

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and properly surface coated where required to prevent deterioration. All areas of the building shall be structurally sound.

40. Disposal of Garbage, and Waste

Every occupant of a structure shall dispose of all rubbish, garbage, and other organic waste in a clean and sanitary manner, by placing it in disposal facilities or storage containers, and by re-closing or replacing container lids.

It is the occupant's responsibility to move containers to and from the curb when curbside service is contracted, within 24 hours.

Occupants are required to make special arrangements for removal of any items which will not be picked up by regular contracted service, within 48 hours.

41. Outdoor Storage

1. Appliances: Any person who abandons or otherwise leaves unattended any refrigerator, icebox, washing machine, dishwasher, kitchen range, clothes dryer, freezer, commode, urinal, bathroom sink, kitchen sink, or other large household appliance, bathroom fixture, kitchen fixture, or similar container outside of buildings, or any person who allows such refrigerator, ice box, washing machine, dishwasher, kitchen range, clothes dryer, freezer, commode, urinal, bathroom sink, kitchen sink, bathroom fixture, kitchen fixture, or other large household appliance, or similar container, to remain outside of buildings or premises in the person's possession or control, abandoned or unattended, commits a violation of this section.
2. Household Furniture: Standards: It shall be a violation of this section for any landowner or person leasing, occupying, or having control of any real property used for residential purposes, to keep, maintain, deposit, or perform or permit on such property the outdoor use, outdoor storage or outdoor placement of household appliances, household furniture, or household furnishings, unless

such items are designed for outdoor use and are used on the premises for purposes of the household. The term "outdoor" includes a porch. However, the use, storage, or placement of household appliances, household furniture, or household furnishings on a porch is not prohibited if the porch is completely enclosed by fully intact glass or fully intact screens. A porch is a platform completely covered by a roof located at and attached to or abutting against the entrance to a building. Screens are framed wire mesh or framed plastic mesh used to keep out insects and permit airflow.

42. Extermination, Single Family Dwellings

1. Owner: The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
2. Occupant: The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

65. Electricity Service

The size and usage of appliances and equipment shall serve as a basis for determining electrical service needs. Dwelling units shall be served by a minimum three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Electrical system hazards

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.

Installation

All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.

71. Egress Windows, Emergency Escape Openings

1. General

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following: Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction, and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening.

2. Above grade egress windows

The use of pre-existing noncompliant egress windows in above-grade openings may continue, as in 1 above, provided:

- a. The owner/manager makes application for approval of the pre-existing condition to the building official within thirty days of notification of the condition by the inspector.
- b. When an approved pre-existing egress window is replaced, the new window must be made to fit the existing sash clear opening area. Nothing in this section shall prohibit the enlargement of the window area.

3. Approval of this pre-existing condition is transferable from one owner to another, provided compliance with all conditions of this section is maintained continuously and uninterrupted

throughout the succeeding changes of ownership. Failure to maintain continuous compliance with this section will result in termination of approval, and will require compliance with current building code provisions, following appropriate notification and hearing procedures of this code.

4. Below grade egress windows

- a. Below grade and basement windows must comply with the 2006 International Residential Code
- b. Pre-existing below grade and basement windows and window wells must be brought into compliance with the 2006 International Residential Code, in regard to window opening and window well dimensions, by not later than July 31, 2010.
- c. Pre-existing below grade and basement windows that are compliant in all regards except window sill height above the floor, will be reviewed on an individual case basis by the building official.

4. Approval of egress windows not in compliance with the 2006 International Residential Code will not be granted to new rental registration applications.

76. Partner With Service Organizations To Help Needy Owners

Include the following language in the staff report to the Council:

During the development of property maintenance alternatives for the Council's consideration, Rental Housing Advisory Committee members expressed concerns that regulations alone will not adequately address the needs of the community. It is the committee's recommendation that the adoption of new property maintenance minimum standards be coupled with supportive efforts from the City and partnerships with service oriented organizations. Examples of this collaborative effort may include:

1. Make changes to the Neighborhood Improvement Grant program to clarify and publicize that funding can be made available for neighborhoods which choose to help individual elderly, low-income, and otherwise disadvantaged property owners in complying with identified property maintenance code violations.
2. Identify City Staff members whose responsibility are to liaison with, help establish, and foster service groups that can help fix the property maintenance needs of individual elderly, low-income, and otherwise disadvantaged property owners in complying with identified property maintenance code violations.
3. Establish and fund a grant program that would help with the necessary property improvements, down payment, and/or acquisition costs to convert rental homes to owner-occupied homes.

In cases other than imminently dangerous to individual or public safety, the building official may seek and enlist the resources of the community, including, but not limited to, neighborhood associations, volunteer organizations, churches, and social service agencies to assist individual elderly, low-income, and otherwise disadvantaged property owners in complying with identified property maintenance code violations. This shall not prevent the building official from proceeding with prescribed enforcement procedures, in the event the assistance of such resources is not forthcoming or is found to be inadequate to correct the code violation within a reasonable period.

77. Required Off-Street Parking: Hard Surface, Front Yard

1. Driveways and off street parking

General

All driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

2. Parking in front yards

Front yard defined:

As used in this section, front yard means the open space in that portion of a yard between the street and the face of the structure and a line extending from the left side of the lot to the right side of the lot. The line, as viewed from the street, shall extend parallel to the street to the nearest corner of the principle structure and then along the face of the principle structure to the right corner, and from that point on a line parallel to the street to a point on the right lot line. As used in this section, the face of a principle structure shall be any and all portions of the structure fronting on a street. The front yard shall not include any portion of the city right-of-way. A corner lot shall be deemed to have two front yards.

3. Parking in front yards prohibited:

The parking of motor vehicles in the front yards of residential zoned properties is prohibited. Any person who parks a motor vehicle in the front yard of a residential zoned property, or permits such parking on a residential zoned property under their ownership or control, shall be in violation of this section.

Exceptions, parking in front yards may be permitted under the following circumstances:

- a. Where the area is constructed and maintained in accord with the surfacing standards of this section; and
- b. upon a driveway that leads to the side or rear yard or to a garage; and,
- c. one or more parking spaces are permitted in the front yard in the case where there is an existing garage and there is insufficient room between the side of the garage and the side property line. Such spaces shall meet the following requirements:
 - i. The parking spaces shall not be less than nine (9) feet in width and nineteen (19) feet in length; and
 - ii. The parking spaces shall be contiguous to and parallel to the existing driveway; and,
 - iii. The parking spaces shall be located between the existing driveway and the side property line; and
- d. when the parking area is an approved pre-existing condition, as defined by this section; or
- e. when the parking area has been approved in conjunction with issuance of a building permit or zoning permit,

4. Computation of required off-street parking spaces

Number and dimensions of off-street parking spaces must comply with standards in Ames Code Sec. 29.406, and the following:

- a. Parking space for each vehicle must be 18 feet in length and 9 feet in width, and located upon an approved driveway that leads to the side or rear yard or to a garage. The area allocated for each vehicle must be available for parking at all times.
- b. Garage parking spaces will be counted as approved off-street parking spaces if the required area for each vehicle is available for parking at all times.
- c. Specific site conditions that may prevent compliance with these requirements will be reviewed on an individual case basis by the building official.

5. Required materials and standards for new off-street parking areas

Surface Material Standards.

- a. Materials. All vehicle areas, including front and side and rear yard parking areas, and driveways, must be paved with Portland Cement Concrete, Asphaltic Cement Concrete, or an equivalent as determined by the City Engineer. All driveway approaches adjoining paved streets must be paved with Portland Cement Concrete between the edge of street and the property line.

- b. **Material Thickness.** All vehicle areas, including front and side and rear yard parking areas, and driveways, must be paved with an approved material no less than five inches thick, or an equivalent as determined by the City Engineer.
 - c. **Striping.** All paved parking areas must be striped in accordance with the dimension standards described in the Zoning Code.
 - d. **Storm Water Management Design Standards.** All vehicle areas, including front and side and rear yard parking areas and driveways shall be designed and graded in compliance with City Storm Water Management Design Standards, and subject to approval of the City Engineer.
 - e. **Lighting.** Illumination for parking and loading areas must be provided and designed to be fully cut off from adjacent properties.
 - f. **Surface Parking Landscaping and Screening.** Surface parking facilities must conform to the minimum landscaping and screening requirements set forth in the Zoning Code.
6. **Permit required for new off street parking areas**
There shall be no installation at grade of any new expanse of asphalt, concrete, gravel, brick, or other form of paving by any material whatsoever upon any residential zoned property without issuance of a permit by the building official. Such authorization shall be granted only if, under the facts and circumstances of the particular situation, it is unlikely that the paving will facilitate the use of the front yard, or any part thereof, for the parking of vehicles, except on a driveway as provided in this section.
7. **Approval of pre-existing parking areas**
The use of pre-existing noncompliant parking areas may continue provided:
- a. The owner/manager makes application for approval of the pre-existing condition to the building official within thirty days of notification of the condition by the inspector.
 - b. An approved pre-existing parking area may not be increased or rearranged unless such increase or rearrangement is in compliance with requirements of this section for new parking areas.
 - c. Approval of such pre-existing condition is transferable from one owner to another, provided compliance with all conditions of this section is maintained continuously and uninterrupted throughout the succeeding changes of ownership. Failure to maintain continuous compliance with this section will result in termination of approval, and will require compliance with current building code provisions, following appropriate notification and hearing procedures of this code.
8. **Exceptions:**
- a. Pre-existing front yard parking areas established in violation of the requirements of this code must be brought into compliance within one year after notification by the inspector.
 - b. Pre-existing driveway approaches in violation of the requirements of this code must be brought into compliance within three years after notification by the inspector.
 - c. Pre-existing residential zoned rear and side yard parking areas which are in excess of the maximum building and parking lot coverage of 60% and minimum 40% green space permitted by the Zoning Code, must be reduced to comply with that standard within one year after notification by the inspector.
 - d. Pre-existing crushed rock or gravel parking areas that have not been maintained with a minimum 5 inch cover must be brought into compliance with this standard within 90 days after notification by the inspector.
 - e. Specific site conditions that may prevent compliance with these exceptions will be reviewed on an individual case basis by the building official.

9. Approval of this pre-existing condition is transferable from one owner to another, provided compliance with all conditions of this section is maintained continuously and uninterrupted throughout the succeeding changes of ownership. Failure to maintain continuous compliance with this section will result in termination of approval, and will require compliance with current code provisions, following appropriate notification and hearing procedures of this code.
10. Approval of this pre-existing condition will not be granted to new rental registration applications for duplex or multifamily dwellings.
11. Responsibility for parking compliance
Any person who parks a motor vehicle in the front yard of a residential zoned property, or permits such parking on a residential zoned property under their ownership or control, shall be in violation of this section.

It shall be the duty of landlords and property managers to inform tenants of the rules governing use of approved off-street parking areas.

It shall be the duty of every registered owner of a vehicle to insure that said vehicle does not park contrary to these regulations. It may be inferred, unless evidence to the contrary is presented, that the registered owner of any motor vehicle parking in violation of the parking regulations of this chapter is responsible for said vehicle being so parked.