

COUNCIL ACTION FORM

SUBJECT: ORDINANCE AMENDING RENTAL HOUSING CODE

BACKGROUND:

Since 2007 the City has taken measures to update Chapter 13 the City Code, which is the City's rental housing ordinance. Most recently, a Council work session was held on June 2 to review the actual code language that had been developed by staff based on recommendations from the ad hoc Rental Housing Advisory Committee. That evening Council passed two resolutions with slight amendments to the code language. Those two changes have now been incorporated into the proposed ordinance.

In response to other issues raised at the June 2 meeting, staff has prepared a few other amendments to the proposed ordinance.

The first grew out of discussion concerning the interim use of the Building Board of Appeals to hear appeals that might occur prior to the newly created Property Maintenance Appeals Board being in place. Citizens voiced concern that the Building Board of Appeals would need to be trained in the new Chapter 13, and may reach different conclusions than subsequent rulings of the Property Maintenance Appeals Board. An alternative approach has been developed that would allow for an appellant to decide which board he/she prefers to use during this start-up period. Under this approach, the following choices would be available:

1. An appellant could request a faster decision by utilizing the Building Board of Appeals until such time as the Property Maintenance Appeals Board is formed and ready to conduct appeal meetings, and
2. An appellant could delay an appeal until such time as the Property Maintenance Appeals Board is formed and ready to conduct appeal meetings.

The alternative approach could also be useful where an appellant needs additional time to prepare for an appeal hearing. To accommodate these needs, the proposed ordinance had added the second sentence to the following section:

Section 13.108(7) Meetings of the Board

The Board shall meet upon notice from the Building Official within 20 days of the filing of an appeal, or at stated periodic meetings. An appellant may waive a timely hearing by filing a written waiver explaining the cause for seeking a delay.

In relation to appointment of the first set of board members, additional language has been added regarding the appointing authority and terms of office. This will allow the Mayor and Council to stagger the board members' original terms of office so that members' terms expire at different times. The following paragraph mirrors a similar provision for the Building Code Board and will address that omission:

Section 13.108(2) Appointments and Membership of Board

(b) Board members shall be appointed by the Mayor with the approval of the City Council. The term of office shall be for three (3) years, except for the terms of office for the Board when initially established. For the Board when initially established, the Mayor may prescribe a shorter than a full term of appointment in order to stagger terms. No member who has served two (2) full consecutive terms is eligible for reappointment.

The provision which follows this one presently would be re-lettered to become 13.108(2)(c).

The changes above are included in the code language presented to the Council for first reading on June 9.

Finally, at the June 2 meeting rental managers and owners expressed a desire to return to the past practice of receiving a report of inspection results at the time of the inspection. The Building Official is committed to fulfill this request and has since developed an implementation plan. It will be the goal of the Inspections Division to leave a preliminary report at the time of inspections, and if needed to issue a more detailed report at a later date soon thereafter with the code sections of violations identified. It will be the Inspections Division goal to implement this change by October 1, 2009.

The new ordinance will be presented for second and third readings on June 16 and 23, respectively; and will become effective on July 1, 2009.

ALTERNATIVES:

1. Pass on first reading the new Chapter 13 Rental Housing Code with the amendments noted above.
2. Direct staff to make additional amendments to the proposed Rental Housing Code and place this action on a future agenda.
3. Do not pass this ordinance on first reading, and delay implementation of these changes for at least six months.

MANAGER'S RECOMMENDED ACTION:

Many community members – including landlords, rental unit owners, tenants, neighborhood representatives – have contributed to the revisions included in the proposed new Rental Housing Code. These changes add greater clarity for landlords and City staff as the code is followed and enforced. Modifications have been made in many unclear or controversial areas by balancing the needs of different constituent groups. As the preamble states, this code will be a useful tool as our community continues “to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of [rental] structures and premises.”

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the proposed new Rental Housing Code.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 13 CITY OF AMES RENTAL HOUSING CODE AND ENACTING A NEW CHAPTER 13 AMES RENTAL HOUSING CODE THEREOF, FOR THE PURPOSE OF UPDATING AND CLARIFYING THE RENTAL HOUSING CODE; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Chapter 13, City of Ames Rental Housing and enacting a new Chapter 13, City of Ames Rental Housing as follows:

“

DIVISION 1 ADMINISTRATION

Sec. 13.100 GENERAL

(1) **Title**

These regulations shall be known as the Rental Housing Code of the City of Ames hereinafter referred to as “this Code.”

(2) **Adopted Standard**

The City of Ames, Iowa, hereby adopts by reference the housing quality standards promulgated by the United States Department of Housing and Urban Development, Federal Register, July 3, 1995, Part III, under 24CFR, Part 982, Section 401.

(3) **Intent.**

This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

(4) **Scope.**

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

(5) **Exceptions.**

The following residential structures are exempt from these rules:

- (a) owner-occupied single family dwellings;
- (b) hotels, motels;
- (c) University housing;
- (d) state-licensed health and custodial facilities;
- (e) other residential occupancies specifically regulated by state or federal authority

Sec. 13.101. APPLICABILITY

(1) **General.**

The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in this Code. In the event that different sections of this Code specify different requirements, the most restrictive shall govern.

(2) **Maintenance.**

Equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

(3) **Application of other codes.**

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the City of Ames Building, Electrical, Mechanical, and Plumbing Codes. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Ames Zoning Ordinance.

(4) **Existing remedies.**

The provisions in this Code shall not be construed to abolish or impair existing remedies of the City of Ames or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe or unsanitary.

(5) **Workmanship.**

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

(6) **Referenced codes and standards.**

The codes and standards referenced in this Code shall be those that are adopted by the City of Ames and shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply.

(7) **Requirements not covered by code.**

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Building Official.

Sec. 13.102. DUTIES AND POWERS OF THE BUILDING OFFICIAL.

(1) **General.**

The Building Official or Building Official's designee shall enforce the provisions of this Code. Wherever the term "Building Official" is used in this Code, it shall be construed as though it is followed by the words "or Building Official's designee".

(2) **Authority.**

The Building Official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt procedures; to interpret and implement the provisions of this Code; to secure the intent thereof. Such authority shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety.

(3) **Inspections.**

The Building Official shall make all of the required inspections, or shall accept reports of inspection by other approved agencies or individuals. All reports of such inspections by other approved agencies or individuals shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

(4) **Right of entry.**

The Building Official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Building Official is authorized to pursue recourse as provided by law, including application to the court for an administrative search warrant.

(5) **Identification.**

The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

(6) **Notices and orders.**

The Building Official shall issue all necessary notices or orders to ensure compliance with this Code.

(7) **Division Records.**

The Building Official shall keep official records of activities of the division as specified in the City of Ames Records Retention Schedule.

Sec. 13.103. APPROVALS.

(1) **Modifications.**

Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Building Official shall have the authority to grant code modifications for individual cases, provided the Building Official shall first find that special individual reason makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting code modifications shall be recorded and entered in the Inspection Division records.

(2) **Alternative materials, methods and equipment.**

The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alternative is approved. An alternative material or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

(3) **Required testing.**

Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests to be made as evidence of compliance, at no expense to the City of Ames.

(4) **Material and equipment reused.**

Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the Building Official.

Sec. 13.104. VIOLATIONS AND ENFORCEMENT.

(1) **Violations.**

(a) No owner or operator shall rent, or offer for rent, any dwelling unit for use in whole or in part for human habitation, unless a valid Letter of Compliance has been issued, or an application for same is on file for such dwelling unit. When a Letter of Compliance has been denied, revoked or expired, it shall be unlawful for an owner or operator to rent, or offer for rent, any dwelling unit for use in whole or in part for human habitation.

(b) No person shall occupy, nor shall the owner or operator allow any person to occupy, any dwelling unit more than thirty (30) days after the effective date of the denial, revocation, or expiration of a Letter of Compliance for that dwelling unit.

(c) No person shall occupy, nor shall the owner or operator allow any persons to occupy, any dwelling unit in excess of the maximum occupancy permitted in this chapter or the Ames Zoning Ordinance.

(d) No person shall permit a code violation to exist after the time set by the Building Official for correcting the violation.

(e) No person shall fail to fulfill the specific obligations placed upon them by the provisions of this chapter relating to minimum property standards, whether they be owner, operator or occupant.

(2) **Enforcement.**

(a) **Municipal Infraction.**

A violation of any provision of this Code shall be a Municipal Infraction punishable by penalties as stated in City of Ames Municipal Code Section 5.501.

(b) **Stop work orders.**

Any work being performed in violation of any provision of this Code may be ordered immediately stopped, in accord with provisions of this Code.

(c) **Revocation of Letter of Compliance.**

Any violation of any provision of this Code may result in revocation of the Letter of Compliance, in accord with provisions of this Code.

(d) **Nuisance Abatement**

A violation of any provision of this Code may be declared by the Building Official to be a Public Nuisance to be abated in the manner that public nuisances are now or may hereafter be abated, in accord with the provisions of the Code of Iowa and the City of Ames Municipal Code.

(e) **Summary Abatement.**

For the following specified code violations, the Building Official may summarily abate the violation according to the procedure below.

- 13.406(1) Sanitation
- 13.406(9) Tall grass and weed control
- 13.406(12) Defacement of property
- 13.410(1) Accumulation of refuse or garbage
- 13.410(2) Disposal of garbage and waste
- 13.410(3)(a) Outdoor storage - Appliances
- 13.410(3)(b) Outdoor storage - Household furniture

(i) **Notice.**

Whenever the Building Official determines that there has been a violation of any of the above listed provisions of this Code, or has grounds to believe that such violation has occurred, and further determines that the violation should be summarily abated, notice shall be given to the owner by the Building Official in the form provided in Section 13.105(2) and that notice shall, in addition, include the statement that the violation has been determined to be a Nuisance and that correction will be sought pursuant to the Abatement procedures set forth in Section 13.104(2)(e) of the Ames Municipal Code.

(ii) **Duties.**

The owner who has been served notice under this Section shall take action to bring the condition into compliance by the date provided in the Building Official's notice.

(iii) **Abatement by City.**

When the owner fails to complete the compliance by the date provided in the Building Official's notice, the Building Official is further authorized to take appropriate abatement action. The Building Official shall determine what corrective action is appropriate and shall provide Notice to the owner and occupants, if any, of the City's intent to abate the violation.

(iv) **Access for Abatement - Penalties.**

The owner of the structure who has received notice of the intent of the Building Official to abate shall give entry and free access to the property to the Building Official and all other persons acting on behalf of the City. Any owner who refuses, impedes, interferes with or hinders or obstructs entry by such agent pursuant to a notice shall be subject to enforcement actions which may include arrest and prosecution for Interference with Official Acts, or other civil or criminal charges.

(v) **Costs of Abatement.**

The City may assess the costs of abatement in the manner provided pursuant to Iowa Code section 364.12(3).

Sec. 13.105 NOTICES AND ORDERS.

(1) **Notice to person responsible.**

Whenever the Building Official determines there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in this Code to the person responsible for the violation as specified in this Code.

Exception: Notices and procedures in regard to dangerous buildings shall be in accord with the City of Ames Dangerous Building Code, Chapter 5.400.

(2) **Form.**

Notices shall be in accord with all of the following:

- (a) Be in writing.
- (b) Include a description of the real estate sufficient for identification.
- (c) Include a statement of the violation or violations and why the notice is being issued.
- (d) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
- (e) Inform the property owner of the right to appeal.

(3) **Method of service.**

Such notice shall be deemed to be properly served if a copy thereof is:

- (a) Delivered personally; or
- (b) Sent by certified or first-class mail addressed to the last known address; or
- (c) If the notice is returned showing that the letter was not delivered, a copy thereof shall be

posted in a conspicuous place in or about the structure affected by such notice.

Note: Regular periodic rental inspection appointment letters and inspection deficiency letters may be sent by regular mail.

Sec. 13.106. UNSAFE STRUCTURES AND EQUIPMENT.

(1) **General.**

When a structure is found by the Building Official to be unsafe, or when a structure is found unfit for human occupancy, such structure shall be declared a dangerous building, and notices and procedures shall comply with the City of Ames Dangerous Building Code, Chapter 5.400

Sec. 13.107. EMERGENCY MEASURES.

(1) **Imminent danger.**

When, in the opinion of the Building Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life or public safety is endangered by continued occupancy of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Building Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith, and initiate other procedures as stated in the City of Ames Dangerous Building Code, Chapter 5.400.

Sec. 13.108. MEANS OF APPEAL

(1) **Application for appeal.**

Any person directly affected by a decision of the Building Official or a notice or order issued under this code shall have the right to appeal. That appeal shall be heard by the Building Board as established under Section 5.600 until such time as a Property Maintenance Appeals Board has been appointed. Once the Property Maintenance Appeals Board (hereinafter referred to as 'the Board') is appointed, the Board shall hear all appeals under this code.

An appeal shall be made in writing and be filed no later than 20 days after the date of the notice. An application for appeal shall be based on a claim that:

- (a) the true intent of this Code or the rules legally adopted hereunder have been incorrectly interpreted, or
- (b) the provisions of this Code do not fully apply, or
- (c) the requirements of this Code are adequately satisfied by other means, and the specific proposed alternative action will increase the degree of general code compliance of the specific system or the building and premises, or
- (d) there are specific fixed conditions that make strict compliance with this Code impracticable, or
- (e) required actions cannot be completed within the time limit specified by the Building Official

(2) **Appointment and Membership of Board.**

(a) The Board of appeals shall consist of seven members who are qualified by experience and training to pass on matters pertaining to building and property maintenance and who are not employees of the City of Ames. The Building Official shall be an ex-officio member but shall have no vote on any matter before the Board. The Board shall be appointed and shall serve terms in accord with established procedures.

(b) Board members shall be appointed by the Mayor with the approval of the City Council. The term of office shall be for three (3) years, except for the terms of office for the Board when initially established. For the Board when initially established, the Mayor may prescribe a shorter than a full term of appointment in order to stagger terms. No member who has served two (2) full consecutive terms is eligible for reappointment.

- (c) Membership shall consist of:
- 1 small/medium property landlord (owns fewer than 50 rental dwelling units)
 - 1 large property landlord (owns 50 or more rental dwelling units)
 - 2 neighborhood resident owner-occupants with no financial interest in residential rental property
 - 1 long term tenant (non-student renter for more than 5 years)
 - 1 student tenant (full time post-secondary student renter)
 - 1 general contractor - with financial interest in not more than 6 rental properties

(3) **Chairperson.**

The Board shall annually select one of its members to serve as chairperson.

(4) **Disqualification of member.**

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

(5) **Secretary.**

The Building Official shall designate a qualified person to serve as secretary to the Board. The secretary shall file a detailed record of all proceedings in the offices of the Inspection Division and the City Clerk.

(6) **Compensation of members.**

Members shall receive no compensation.

(7) **Meeting of the Board.**

The Board shall meet upon notice from the Building Official within 20 days of the filing of an appeal, or at stated periodic meetings. An appellant may waive a timely hearing by filing a written waiver explaining the cause for seeking a delay.

(8) **Procedure.**

The Board shall adopt and make available to the public, procedures under which hearings will be conducted.

(9) **Board decision.**

The Board has authority to affirm, modify or reverse the decision of the Building Official.

(10) **Administration.**

The Building Official shall take prompt action in accordance with the decision of the Board.

(11) **Stay of enforcement.**

Appeals of a notice and order (other than an Imminent Danger notice) shall stay the enforcement of the notice and order until the appeal is heard by the Board.

(12) **Filing fees.**

Rental property owners are entitled to file one appeal per structure, per inspection cycle, 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, as set forth in the City of Ames Municipal Code, Appendix L. Inspection cycle means that period of time between the date of the most recent regularly scheduled rental inspection and the expiration date of the Letter of Compliance that results from that scheduled inspection.

DIVISION II DEFINITIONS

Sec. 13.200 GENERAL.

(1) **Scope.**

Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter.

(2) **Interchangeability.**

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

(3) **Terms defined in other codes.**

Where terms are not defined in this Code and are defined in the other codes adopted by the City of Ames, such terms shall have the meanings ascribed to them as stated in those codes.

Readers are advised to review other chapters of the City of Ames Municipal Code that regulate or otherwise affect the ownership, management, and maintenance of rental dwellings. Such chapters include, but may not be limited to:

- (a) Chapter 5-Building, Electrical, Mechanical, and Plumbing Code
- (b) Chapter 8-Fire Code
- (c) Chapter 10-Garbage and Refuse
- (d) Chapter 17-Miscellaneous Offenses
- (e) Chapter 22-Streets and Sidewalks
- (f) Chapter 29-Zoning
- (g) Chapter 30-Junked Vehicles-Outdoor Storage
- (h) Chapter 31-Historic Preservation Districts

(4) **Terms not defined.**

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

(5) **Parts.**

Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit” “housekeeping unit” or “story” are stated in this Code, they shall be construed as though they were followed by the words “or any part thereof.”

Sec. 13.201. TERMS DEFINED

ABATE. To end a nuisance, emergency, or nonconformance.

APPROVED. Approved by the Building Official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

BUILDING OFFICIAL. The official charged with the administration and enforcement of this Code, or any duly authorized representative

DWELLING. Any house, building, mobile home, or portion thereof intended to be occupied as a place of habitation of one or more human beings, either permanently or transiently.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EMERGENCY. A condition arising from actual or imminent building or building system failure that causes a health or safety hazard to occupants or the general public. Events that can create an emergency condition include, but are not limited to: structural collapse or failure; flood; fire; ground, drainage, or surface waters; failure of a supplied utility, such as electricity, gas, water, sanitary sewer, or heat.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

FAMILY. [SEE AMES MUNICIPAL CODE CHAPTER 29, ZONING DEFINITIONS]

GARBAGE. Garbage means every waste accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, and including tin cans or similar food containers. Dead animals are not included in the term garbage.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces (such as decks, porches, balconies, stairways) that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and

bathtub or shower.

IMMINENTLY DANGEROUS STRUCTURE. Any building, shed, fence or other manmade structure which is in danger of imminent collapse of all or any part of such structure and is thereby an imminent danger to the health and safety of the general public or adjacent property.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

INSPECTION DIVISION. A division of the Fire Department authorized to administer and enforce the provisions of this Code.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

LETTER OF COMPLIANCE. A document issued by the Inspection Division, stating the premises have been inspected and found to be in compliance with this chapter on the date of inspection.

MULTIPLE DWELLING. Any structure containing more than two (2) dwelling units.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

OWNER-OCCUPIED DWELLING UNIT: Any townhouse, condominium, or detached dwelling that is occupied as a dwelling by the owner or owner's relative within the first degree of consanguinity (mother, father, daughter, son, sister, brother); and may include a live-in nanny; live-in nurse; one live-in exchange student; or one roomer.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PLUMBING. All parts of all systems within dwellings and on premises that convey natural gas, potable water, sanitary sewage, storm water, and ground water, including supply, waste, and venting.

PRE-EXISTING CONDITION. A condition of a structure or premises that was in existence prior to the effective date of this Code, and is not compliant with the standards imposed by this Code upon newly registered rental dwellings.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use (also known as public right of way).

RENT. Payment of money, goods, labor, service or otherwise for use of a dwelling.

REFUSE. All waste materials not specifically defined as either garbage or yard waste.

RETROACTIVE CONVERSION PERMIT. A document issued by the Inspection Division prior to June 30, 1986 approving Letters of Compliance for rental dwellings that were not in full compliance with the Rental Housing Code that was enacted in 1977.

ROOMER. A person who occupies a rooming house or rooming unit.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. In the context of this Code, an occupant of a rental dwelling unit who has entered into a written or verbal agreement to exchange some cash, goods, or services in exchange for permission to occupy the dwelling, as a residence, for a specified period of time.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

YARD WASTE. Debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

ZONING. Words and phrases regarding general property use and development standards are derived from the City of Ames Municipal Code Chapter 29, Zoning.

DIVISION III RENTAL REGISTRATION AND INSPECTION PROGRAM

Sec. 13.300. GENERAL

(1) Registration required.

No owner or operator shall rent, or offer for rent, any dwelling unit for use in whole or in part for human habitation, unless:

- (a) it is registered as a rental dwelling with the Inspection Division, and
- (b) a valid Letter of Compliance has been issued, or is pending, subject to inspection approval.

(2) Application.

Completion of a rental registration application shall serve as an application for a Letter of Compliance (LOC), and these named documents are made one in the same.

(a) Registration application shall be made by the owner or operator on forms provided by the City, and submitted to the Inspection Division. Applications cannot be approved without submittal of all required information, and payment of required fees.

- (b) Applicant must provide information including, but not limited to:
 - (i) the address of the dwelling;
 - (ii) the number and type of dwelling units in the dwelling structure
 - (iii) the number of tenants occupying, or intended to occupy each dwelling unit at time of registration
 - (iv) the zoning district in which the dwelling is located.
 - (v) owner's name and contact information:
 - (a) mailing address
 - (b) telephone number - contact number during normal business hours

- (c) telephone number - emergency contact number/cell phone
- (d) e-mail address
- (vi) registered operator's name and contact information - i.e., contracted property manager, local agent, on-site manager, etc., if management responsibility has been delegated by the owner to a different party:

- (a) mailing address
- (b) telephone number - contact number during normal business hours
- (c) telephone number - emergency contact number/cell phone
- (d) e-mail address

(3) **Duty to report changes.**

The owner or registered operator is responsible to inform the Inspection Division of any subsequent changes to any registration information, at the time of such changes, at any such time that changes occur after initial registration.

(4) **Rental registration fees.**

The City Council establishes a fee schedule to defray the cost of inspection, enforcement, and administration of the provisions of this Code. Timely payment of fees due is a required component of the registration process.

(5) **Annual registration renewal.**

Rental registration shall be renewed annually, upon notice issued by the City to the owner or registered operator.

(6) **Renewal fees due.**

Renewal fees shall be due within thirty (30) days of date of notice to the owner or registered operator. Failure to pay required fees shall constitute a violation of this Code, and may result in penalties in the form of revocation of Letter of Compliance; issuance of tenant notice to vacate; and/or issuance of municipal infraction citations.

(7) **Registration not transferable.**

Registration may not be transferred from one owner to another in the event of property sale. It is the responsibility of the current owner to inform the Inspection Division of the buyer's name and contact information. It is the responsibility of the property buyer to register the property in his/her name or company name, and furnish appropriate contact information to the Inspection Division.

(8) **Transfer of ownership.**

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Building Official and shall furnish to the Building Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Sec. 13.301. LETTER OF COMPLIANCE (LOC)

(1) **Letter of Compliance required.**

No owner or operator shall rent, or offer for rent, any dwelling unit for use in whole or in part for human habitation, unless:

- (a) it is registered as a rental dwelling with the Inspection Division, and
- (b) a valid Letter of Compliance has been issued, or is pending, subject to inspection approval.

(2) **Code compliance required.**

The Inspection Division shall issue a Letter of Compliance if inspection indicates the dwelling unit and premises are in compliance with the requirements of this Code and other codes administered by the Division, and if required fees have been paid.

(3) **Inspection cycles.**

Letters of compliance shall be issued for terms of one, two, three, or four years, shall expire at the end of those terms, and shall not be renewed without inspection. The period shall be determined by the Building Official based on the following criteria:

- (a) One year

- (i) all fraternity and sorority occupancies;
- (ii) all dwellings in which a verified incident of over-occupancy occurred during the previous year;
- (iii) all dwellings which, due to a documented history of neglect and lack of maintenance require additional inspection to obtain compliance.
- (b) Two years
 - (i) all dwellings in which life safety violations, including broken/inoperable doors, ceiling, wall, and floor penetrations, have been found during the previous year;
 - (ii) all dwellings in which provided alarm or fire sprinkler systems have not been continuously maintained;
 - (iii) all dwellings which have been subject to more than two reinspection fees in the previous year, due to owner or operator failure to correct deficiencies in a specified time period;
 - (iv) all dwellings which have been the subject of more than two verified property maintenance complaints within the previous year; with verification by Inspection staff of maintenance issues below neighborhood standards.
- (c) Three years
 - (i) all dwellings which are found to have minor code violations (of a cosmetic rather than life safety nature) which are found to be corrected at the first reinspection;
 - (ii) all multiple family dwellings not equipped with automatic fire sprinkler protection.
- (d) Four years
 - (i) all single family dwellings with no code violations at the time of initial inspection;
 - (ii) all multiple family dwellings with no code violations at the time of initial inspection and which are equipped with automatic fire sprinkler protection throughout.

(4) **New construction.**

A four year Letter of Compliance shall be issued to each newly-constructed multiple family dwelling or unit or single family dwelling for which a building permit has been issued and a Certificate of Occupancy has been issued. The Certificate of Occupancy issued at completion of construction shall constitute the rental inspection approval required for issuance of the first Letter of Compliance (LOC).

(5) **Information in Letter of Compliance.**

The Letter of Compliance shall include owner, operator, and dwelling information from the rental registration application, and additionally, the date of issuance and expiration. The original may be signed by the Building Official or a designee.

(6) **Expiration.**

A Letter of Compliance issued shall be effective until:

- (a) its noted expiration date, or
- (b) thirty (30) days after a reported change in ownership, or
- (c) it is revoked by the Building Official

(7) **Revocation.**

A Letter of Compliance may be revoked when:

- (a) a verified incident of over-occupancy occurred during the previous 12 months which was not corrected within 30 days of receipt of notice of the violation; or
- (b) the time period imposed by the Building Official for correction of a code violation has been exceeded for the same violation more than two consecutive times and has required more than two consecutive reinspections to obtain code compliance;

(8) **Denial.**

If a dwelling unit is found in violation of any requirements of this chapter, the Building Official shall notify the operator of the deficiencies in writing. All code deficiencies must be corrected within the time limits specified in the Building Official's notice. The Letter of Compliance shall be denied or revoked if the dwelling is not in compliance at the end of the period specified by the Building Official.

(9) **Notice of denial or revocation.**

Upon denial or revocation of the Letter of Compliance, the Building Official shall notify the operator and the occupants

in writing. The notice shall state the reason for revocation, statement of required corrective actions, that the dwelling must be vacated within 30 days of the date of notice unless compliance is achieved prior to that date, and that the owner may appeal to the Board in accord with provisions of Section 13.108 of this Code.

Sec. 13.302. RENTAL INSPECTIONS

(1) Purpose.

Inspection is required to secure compliance with all relevant codes and standards prior to issuance of a Letter of Compliance.

(2) Owner to accompany.

The owner, registered operator, or authorized representative must accompany the Building Official at each inspection. For purposes of this section, a tenant shall not be considered an authorized representative of an owner or operator.

(3) Owner to notify tenant.

The Inspection Division will schedule inspections with the owner or registered operator. The owner or operator is responsible to provide a minimum 24 hour advance notice to tenants prior to the scheduled inspection. The Building Official shall not perform the inspection if it is discovered the tenants have not received the required advance notice. Additionally, a reinspection will be scheduled, and the owner or operator may be charged a reinspection fee in accord with this section.

(4) Initial inspection.

An initial, also known as “first” inspection shall be scheduled by the Inspection Division following receipt of a complete application. There is no fee charged for the first inspection.

(5) Reinspection.

Reinspections are required to verify correction of code deficiencies identified at a prior inspection. If Code deficiencies are found on a first inspection, and a second, or “reinspection” is required to enable owner repairs or corrections, there is no charge for the second inspection. If repairs or corrections have been completed and no Code deficiencies are cited on the second inspection, then a Letter of Compliance shall be issued. If repairs or corrections are not complete, and an additional, third inspection is required to accomplish Code compliance, then a fee charged for the third inspection, and additionally, each succeeding reinspection, if necessitated, until code compliance is verified and a Letter of Compliance issued. Reinspection fees are as adopted by City Council in Ames Municipal Code Appendix L.

(6) Regular periodic inspection.

Regular periodic inspection is required prior to expiration of a current Letter of Compliance. Registered owners or operators shall receive advance notice of required periodic inspection appointments from the Inspection Division. An owner’s or representative’s failure to appear at a scheduled periodic inspection is a violation of this Code subject to penalties as provided herein. Penalties include, but may not be limited to loss of one entitled free inspection for each missed inspection appointment, as provided by this Code, in “Reinspection”, above.

(7) Transfer of ownership.

Inspection is required at the time of any transfer of ownership. An inspection fee as specified in City of Ames Municipal Code Appendix L will be charged to the new owner for this service.

(8) Reasonable time limits for compliance.

General compliance time limits for cited items shall be as follows:

- (a) Imminent life safety - requires immediate corrective action;
- (b) Routine/normal maintenance - must be complete within 30 days;
- (c) Seriously deferred maintenance/medium-large project - 90 days;
- (d) Weather/seasonal dependent item - 180 days or negotiated;

Applications for time extensions may be submitted to the Building Official with a progress report and estimated schedule for completion. Such applications will be reviewed and approved on an individual case basis.

(9) Noted and cited code violations.

(a) Noted code violations are not considered life safety issues and are not of a severity to cause structural deterioration. Noted items shall not prevent the issuance of a Letter of Compliance.

(b) Cited code violations must be repaired prior to the issuance of a Letter of Compliance. Cited items may lead to further enforcement actions by the Building Official as defined in the City of Ames Municipal Code.

(10) **Tenant and Landlord Responsibilities, Interior cleanliness.**

(a) **General.**

The following is not all-inclusive. The State of Iowa Code Chapter 562A-Uniform Residential Landlord and Tenant Law, other sections of the City of Ames Municipal Code, and various federal statutes contain additional duties and rights of the referenced parties. Owners, landlords, tenants, and owner-occupants are advised to consult those sources in addition to this Code.

(b) **Owner responsibility:**

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not knowingly permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a dormitory, or two or more dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. An owner is also responsible for other maintenance duties as specifically stated in other sections of this Code. Owners are encouraged to designate property maintenance responsibilities in their leases when a tenant agrees to perform any such duties, or when the owner expects the tenant to perform any such duties. If there is no written agreement between landlord and tenant, then the owner is responsible for all duties as specified in this Code.

(c) **Occupant responsibility:**

Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. An occupant is also responsible for other maintenance duties as specifically stated in other sections of this Code. Tenants are encouraged to refer to their leases for specific expectations or responsibilities beyond those set forth in this Code.

DIVISION IV MINIMUM PROPERTY MAINTENANCE STANDARDS

Sec. 13.400. GENERAL.

(1) **Scope.**

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

(2) **Responsibility.**

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or knowingly permit another person to occupy premises which are not in a sanitary or safe condition or which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(3) **Vacant structures and land.**

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

(4) **New work to comply.**

All building, electrical, mechanical, and plumbing items that are repaired or replaced shall meet the building, electrical, mechanical, and plumbing codes in effect at the time the work is performed, unless otherwise specified in this Code.

Sec. 13.401 PRIOR APPROVALS OF NONCOMPLIANT CONDITIONS

(1) **General.**

The City of Ames adopted the first Rental Housing Code in 1977. Beginning then, all rental dwellings were required to register with the City and be periodically inspected to assure continued compliance with minimum maintenance standards

of that Code. Some rental dwellings established prior to enactment of the Code were not in compliance with one or more of the new standards. Mechanisms were created to evaluate such noncompliant conditions and approve those which could not, practicably, be made compliant, and were judged to have a minimal impact on public health and safety, or for which an equivalent alternative method of code compliance could be implemented to achieve the intent of the Code. The techniques used to resolve these cases were “Retroactive Conversion Permits”, “Board Variances”, and “Administrative Approvals”.

(2) **Retroactive Conversion Permits.**

As inspections occurred, it was discovered that about 400 buildings had been previously converted from single family to multifamily dwellings, or otherwise remodeled, altered or improved without issuance of required building, electrical, mechanical, or plumbing permits and without zoning approval. Those 400 buildings were found to be noncompliant with one or more of about 20 of the new standards.

In 1985, the City Council enacted an ordinance that “grandfathered” seven (7) of those code violations, based upon a conclusion they posed no threat to tenant health or safety and that correction would be impracticable. Approvals of the following seven (7) conditions were granted to each owner who made application and met conditions for a Retroactive Conversion Permit:

(a) Minimum required ceiling height of seven (7) feet in habitable rooms. Some single family homes converted to include basement apartments were unable to meet this standard and approvals were granted for fixed obstructions such as beams, water and gas pipes, and ductwork that projected to not less than 6 feet 8 inches above the floor for more than 20% of the floor area of the room.

(b) Minimum room area. Some dwelling units were unable to meet the minimum room area square footage required by the new code. Such rooms were approvable provided square footage was not less than 75% of that required by the Code.

(c) Minimum lot area. Some structures were built on small lots and unable to comply with the newer standards.

(d) Building setbacks. Some structures located on small lots could not comply with newer required setbacks from property lines.

(e) Lot frontage. Older structures on narrow lots could not comply with newer standards, and in many cases, houses were built entirely or partially behind one another, making it impossible to comply with newer codes.

(f) Building height.

(g) Minimum required window space for natural light and ventilation. Many basement apartments were unable to meet this new standard, and approvals were granted for including ‘borrowed’ light from adjoining rooms in required calculations, and accepting artificial illumination and mechanical ventilation in lieu of natural light and openable windows.

(3) **Board Variances.**

Since 1977, the Housing Appeal Board has evaluated cases involving noncompliant conditions other than those eligible for approval under the Retroactive Conversion Permit process. A number of approvals of specific noncompliant conditions were granted based upon the Board’s conclusion they posed no threat to tenant health or safety and that correction would be impracticable, or that an equivalent method of compliance was provided that met the intent of the Code.

(4) **Administrative Approvals.**

Since 1977, the Building Official evaluated individual cases of noncompliant conditions in which correction would be impracticable, such as off-street parking. When it was concluded that such approvals would not create a health or safety hazard and that compliance with the letter of the code was not possible, Administrative Approvals were granted.

Sec. 13.402 PRIOR APPROVALS SHALL CONTINUE - CONDITIONS

(1) **General.**

All prior official approvals of noncompliant conditions, as detailed in Section 13.401, above, shall be granted continued approvals subject to the procedures of this section.

(2) **Pre-existing conditions.**

After the effective date of this Code, all conditions not in compliance with this Code at the time of inspection shall henceforth be known as Pre-existing Conditions. Such conditions shall be designated as either Approved or Non-approved.

(3) **Approved pre-existing conditions.**

An Approved Pre-existing Condition is a condition which received prior approval by any of the 3 methods detailed in Section 13.401, i.e., Retroactive Conversion Permit, Board Variance, or Administrative Approval, and will receive continued approval according to the following procedure:

(a) The Building Official or designee shall identify the noncompliant condition at the time of an inspection and notify the owner.

(b) The owner shall submit an original or a copy of the Retroactive Conversion Permit, Board Variance, or Administrative Approval issued by the City in regard to the specific condition approved and any provisions attached thereto. In the event the owner cannot produce the authorizing document, the Inspection Division shall conduct a reasonable search of City records for such authorizing document.

(c) The Building Official shall verify that the condition has been maintained in a safe and otherwise code-compliant manner than that for which the approval was specifically granted. Example: where basement apartment ceiling height of 6 feet 8 inches was previously approved and documented, and such height has been maintained intact and not reduced as a result of structural deflection, failure, shoring, or other alteration of the floor system above or raising of the floor below.

(d) Provided the required documentation is submitted or discovered, and the condition has been maintained, as described above, then such condition will be documented henceforth as an Approved Pre-existing Condition.

(e) If not approvable, the Building Official shall notify the owner that continued approval cannot be granted, the reason therefore, and provide a reasonable time limit for the condition to be brought into compliance with this Code.

(f) Retroactive Conversion Permits, Board Variances, or Administrative Approvals authorizing specific noncompliant conditions will be reviewed by the Building Official in accord with this procedure at or about the date of the regular periodic inspection performed in conjunction with expiration of the current Letter of Compliance. Retroactive Conversion Permits, Board Variances, or Administrative Approvals meeting the criteria of this Code shall be recorded henceforth as Approved Pre-existing Conditions. This process will occur during the four (4) year period commencing July 1, 2009 and ending June 30, 2013. Those conditions not specifically approved by Retroactive Conversion Permits, Board Variances, or Administrative Approvals, and which have not been updated in the Inspection Division records as Approved Pre-existing Conditions must be brought into compliance with this Code by the dates specified in the relevant sections of this Code.

(g) Approvals transferable. A condition which is concluded to be an Approved Pre-existing Condition is transferable from one owner to another, provided such condition is maintained continuously in a safe and otherwise code-compliant manner. Failure to maintain the approved condition in a safe and otherwise compliant manner may result in termination of approval, and require compliance with current code provisions, following appropriate notification and hearing procedures of this Code.

(h) Approvals not available for newly-registered dwellings. Conditions which were approved by Retroactive Conversion Permit, Board Variance, or Administrative Approval will not be approved for new rental registration applications. Newly registered rental properties must comply with all provisions of this Code at the time of initial registration and inspection.

(4) **Specific conditions approvable.**

In addition to approvable conditions as detailed above, the specific conditions listed below shall be approved subject to compliance with standards and procedures detailed in relevant specific sections of this Code:

(a) Off-street parking.

Approval of noncompliant numbers of parking spaces, location of parking spaces on property, and surface material of the parking area and driveway, may be granted. Exception: that area of the driveway between the curb and sidewalk known as the approach, must comply within the time limit specified elsewhere in this Code.

Exception: Front Yard parking is not permitted.

(b) Building numbering.

Approval of noncompliant house or building numbers may be approved, provided the numbers or script are visible and legible from the street in front of the property, as detailed elsewhere in this Code;

(c) Stairway rise and run.

Approval of noncompliant interior and exterior stair riser height and depth of treads (measured from front to back) may be approved, provided the dimensions of these components are uniform and maintained in a structurally sound condition, as detailed elsewhere in this Code;

(d) Handrails and guardrails.

Noncompliant handrails and guardrails may be approved for continued use, provided they are of uniform and functional height and maintained in a safe condition, as detailed elsewhere in this Code;

(e) Minimum ceiling height.

Noncompliant ceiling height may be approved for continued use, provided it is of a functional height and maintained in a safe condition, as detailed elsewhere in this Code;

(f) Natural light and ventilation.

Noncompliance may be approved for continued use, provided adequate artificial light and mechanical ventilation are present and maintained, as detailed elsewhere in this Code;

(g) Minimum room area.

Noncompliant minimum room areas may be approved for continued use, provided the areas are functional and maintained in a safe condition, as detailed elsewhere in this Code;

(h) Minimum site requirements.

Noncompliant sites may be approved for continued use, provided there is no reasonable method to achieve compliance, the site is functional and maintained in a safe condition;

(i) Single furnace serving multiple units.

The use of a single furnace serving multiple dwelling units within an existing registered rental structure where air is circulated through more than one unit may continue, provided conditions of that code section are met, as detailed elsewhere in this Code.

(j) Egress windows above grade.

The use of pre-existing noncompliant egress windows in above-grade openings may continue, provided that, when an approved pre-existing egress window is replaced, the new window must be made to fit the existing sash clear opening area as detailed elsewhere in this Code.

Sec. 13.403 PRIOR APPROVALS SHALL NOT CONTINUE - CONDITIONS

(1) **General.**

The Building Official shall not provide continued approval of the following pre-existing conditions beyond the time limits stated for compliance as stated below, or elsewhere in this Code.

(a) Inadequate second exit capability.

All below grade habitable spaces must have two means of egress leading to the outside. When one of the required means of egress is a window, it must comply with the 2006 International Residential Code. Pre-existing below grade and basement windows and window wells must be brought into compliance with the 2006 International Residential Code by not later than December 31, 2010.

(b) Gas fired appliances.

Furnaces and water heaters shall not be located in, or open directly into a bedroom or bathroom. Such pre-existing conditions must be corrected upon notification by the Building Official.

(c) Fire alarm system.

Retrofitting All pre-existing R-2 occupancies of more than 16 dwelling or sleeping units shall have an automatic, or manual and automatic fire alarm system installed throughout all interior corridors serving sleeping units, within the time limits specified elsewhere in this Code.

(d) Driveway approaches.

All pre-existing driveway approaches adjoining paved streets must be paved with Portland Cement Concrete between the edge of street and the property line. This must be complete within 3 years of notification by the Building Official.

Sec. 13.404. RESERVED.

Sec. 13.405. RESERVED.

Sec. 13.406. EXTERIOR PROPERTY AREAS

(1) Sanitation.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(2) 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 may contain standing water.

(3) 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.

(4) Off-street parking: hard surface, front yard.

(a) General.

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

(b) 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 principal structure and then along the face of the principal 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 principal 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.

(c) Parking in front yards prohibited:

The parking of motor vehicles in the front yards of residential rental 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 for a compliant parking space 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 eighteen (18)

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,

(5) Computation of required off-street parking spaces.

Number and dimensions of off-street parking spaces must comply with standards in the Zoning Ordinance Section 29.406, and the following:

(a) A parking space for each vehicle must be no less than 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 shall 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 shall be reviewed and may be approved on an individual case basis by the Building Official.

(6) Required materials and standards for 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 the 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 Ordinance.

(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 conform to requirements of the Zoning Ordinance.

(f) Surface Parking Landscaping and Screening. Surface parking facilities must conform to the minimum landscaping and screening requirements set forth in the Zoning Ordinance.

(7) 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, or designation of any space for parking, regardless of surfacing, upon any residential rental property without issuance of a permit by the Building Official.

(8) Approval of pre-existing parking areas.

The continued use of pre-existing noncompliant parking areas may be approved 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 Building Official.

(b) Such 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. Failure to maintain continuous compliance with this section may result in termination of approval, and may require compliance with current provisions of this Code, following appropriate notification and hearing procedures as stated in Section 13.108 of this Code.

(d) Application for approval of a pre-existing condition shall include a site plan showing the arrangement of parking stalls on the pre-existing area.

Exceptions:

(a) Non-approved 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 Building Official.

(b) Non-approved pre-existing driveway approaches in violation of the requirements of this Code must be brought into compliance within three years after notification by the Building Official.

(c) Non-approved pre-existing residential zoned rear and side yard parking areas in violation of the maximum building and parking lot coverage permitted by the Zoning Ordinance, must be brought into compliance within one year after notification by the Building Official.

(d) Non-approved pre-existing crushed rock or gravel parking areas that have not been

maintained with a minimum 5 inch cover and fixed boundaries, must be brought into compliance with this standard within 90 days after notification by the Building Official.

(e) Specific site conditions that may prevent compliance with these exceptions shall be reviewed on an individual case basis by the Building Official.

(f) The operator shall furnish all tenants copies of the approved site plan showing the approved parking arrangement.

(g) Approval of pre-existing conditions shall not be granted to new rental registration applications.

(h) Responsibility for parking compliance

(i) 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.

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

(iii) 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.

(9) **Tall grass and weed control.**

(a) 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.

(b) Weeds:

Owners are responsible to control all vines, brush, bushes, volunteer trees less than 3 inches in diameter, and noxious weeds which, in the judgment of the Building Official, 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 or service of a notice of violation, any duly authorized employee of the City of Ames or contractor hired by the City of Ames 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 charged against the property in the manner of a special assessment.

(10) **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 that provide access to the building 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.

(11) **Motor vehicles.**

Motor vehicles must be parked, stored, and maintained in accord with Ames City of Ames Municipal Code Chapter 31, Junked Vehicles-Outdoor Storage

(12) **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.

Sec. 13.407. EXTERIOR STRUCTURE.

(1) General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(2) Building Numbering.

Buildings shall have legible address numbers visible from the street or road fronting the property.

(a) Residences, Townhouses, and Apartments.

Address numbers shall be 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. Apartment numbers for individual units within a building or complex shall be displayed on, above, or to the side of the doorway of each unit.

(b) Private Lane and Long Driveways.

If any residence or apartment building is located such that the address number is not clearly visible from the street, an additional address number shall be placed on the property, upon a post or other structure, facing the street.

(c) Approval of pre-existing condition:

The continued use of noncompliant pre-existing address numbers will be approved provided such numbers are maintained legible and visible from the street or road fronting the property. When such address numbers are replaced, the new numbers must comply with this standard. Approval of this pre-existing condition is transferable from one owner to another, provided compliance with all conditions of this section regarding legibility and visibility are maintained continuously. Failure to maintain continuous compliance with this section may result in termination of approval, and may require compliance with current code provisions, following appropriate notification and hearing procedures of this Code. Approval of this pre-existing condition shall not be granted to newly registered rental properties.

(3) 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.

(4) Structural members.

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

(5) Foundation walls.

All foundation walls shall be maintained safe and free from open cracks and breaks to prevent the entry of rodents and other pests.

(6) 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.

(7) 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 nuisance condition upon adjoining public or private properties or premises.

(8) 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.

(9) 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.

(10) **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.

(11) **Stair rise and run - exterior.**

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 shall 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 precast concrete and other existing installations:

- (i) the first riser in a flight of stairs 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 ¼ 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 Building Official

(12) **Chimneys and towers.**

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

(13) **Window maintenance.**

Every window, skylight, door and frame shall be kept in sound condition, good repair, and weather tight. All glazing compound materials shall be maintained free from holes. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. Glazing materials include glass, sash, frame, casing, muntins, glazing compound, i.e., all parts of the window assembly.

Storm door inserts, and storm and screen windows and inserts, shall be supplied and installed by the owner on exterior doors and windows from fall until spring.

Exception: Seasonal installation/changing of storm door inserts, storm windows and screens may be performed by tenants when the transfer of that responsibility from landlord to tenant has been clearly and separately stated in a lease agreement and specifically initialed by both the landlord and tenant. In such instances, the landlord shall store the inserts on site, or shall deliver them to the site at appropriate times of the year.

(14) **Screens on Openable Windows.**

During the period from May 15 to October 15, every window and other outside opening required for ventilation of habitable rooms, and food preparation and service areas such as kitchens and dining rooms, shall be supplied with

approved tightly fitting screens of not less than 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

(15) **Doors - exterior.**

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

(16) **Basement hatchways.**

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

(17) **Building security.**

Doors, windows or hatchways for dwelling units, room units, or housekeeping units shall be provided with devices as set forth below in 1, 2, and 3, designed to provide security for the occupants and property within.

(a) **Doors.**

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

(b) **Windows.**

Openable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased, or let, shall be equipped with a window sash locking device.

(c) **Basement hatchways.**

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased, or let, shall be equipped with devices that secure the units from unauthorized entry.

Sec. 13.408. INTERIOR STRUCTURE

(1) **Interior Surfaces - Paint, Occupant & Owner Responsibilities.**

(a) In dwelling units, peeling, blistered, or flaking paint shall be removed or effectively covered in a workmanlike manner so as to provide a smooth, easily cleaned finish.

(b) Occupant responsibility: Maintaining that part of the dwelling and premises which the occupant occupies in a clean, safe and sanitary condition.

(c) Owner and operator responsibility: Maintaining public areas of the premises in a clean and sanitary condition, including keeping floors, floor coverings, walls, and ceilings reasonably clean.

(2) **Stair rise and run - interior.**

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

(a) Rise and run of existing stairs shall be approved provided the components are maintained as required, above, and

(i) The greatest tread depth within any flight of stairs does not exceed the smallest by more than 3/8 inch

(ii) The greatest riser height within any flight of stairs does not exceed the smallest by more than 3/8 inch

(iii) The walking surface of treads and landings of stairways are not sloped in any direction more than ¼ inch in 12 inches

(b) 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

(c) 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

(d) Minor repairs may be made without causing the entire stairway to be replaced.

Minor repairs are defined as:

- (i) replace handrail or any part or portion thereof
- (ii) replace treads
- (iii) replace surface material at landings
- (iv) replace less than 40% of existing guards
- (v) other items as approved by the Building Official

(3) **Interior Door Hardware.**

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

Doors are required at sleeping rooms that open onto interior hallways or corridors. Such doors must be equipped with operable latching devices and hardware

Sec. 13.409. 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

Sec. 13.410. REFUSE AND GARBAGE.

(1) **Accumulation of refuse or garbage.**

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of refuse or garbage.

(2) **Disposal of Garbage, and Waste.**

Every occupant of a structure shall dispose of refuse, 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 to have removed within 48 hours any items which will not be picked up by regular contracted service.

(3) **Outdoor Storage.**

(a) 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.

(b) 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. As used in this provision, a porch is defined as 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.

Sec. 13.411. EXTERMINATION.

(1) **Infestation.**

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

(2) **Extermination - Single Family Dwellings.**

(a) **Owner:**

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

(b) **Occupant:**

The occupant of a one-family dwelling shall be responsible for extermination on the premises.

(3) **Extermination - Multiple occupancy.**

(a) **Owner:**

The owner of a structure containing two or more dwelling units, a multiple occupancy, or a rooming house, shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

(b) **Occupant:**

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of that portion of the structure occupied.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

DIVISION V LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

Sec. 13.500. GENERAL

(1) **Scope.**

The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

(2) **Responsibility.**

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

(3) **Alternative devices.**

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

Sec. 13.501. LIGHT - NATURAL LIGHT REQUIREMENTS

(1) Window Space.

Each habitable room shall be provided with natural light by means of one or more exterior glazed openings. Such window openings shall have a total minimum area of at least ten (10) square feet per apartment. In lieu of window openings for natural light in habitable rooms, adequate light may be a system of artificial light. Artificial light must be capable of producing an average illumination of 6 footcandles over the area of the room at a height of 30 inches above the floor level.

(2) For the purpose of determining light and ventilation requirements:

(a) Any room may be considered as a portion of an adjoining room when the common wall has an unobstructed opening of at least 25 square feet.

(b) Openings of less than 1½ square feet shall not be included in computation.

(c) Pre-existing conditions:

Approval of this pre-existing condition is transferable from one owner to another, provided compliance with all conditions of this section is maintained continuously. Failure to maintain continuous compliance with this section may result in termination of approval, and require compliance with current code provisions, following appropriate notification and hearing procedures of this Code.

Sec. 13.502. VENTILATION.

(1) Natural Ventilation Requirements (formerly Section 13.39(2)(g)(ii) and (iii))

(a) All habitable rooms and bathrooms shall have natural ventilation provided by easily openable exterior openings. Such openings shall be equal to at least fifty (50) percent of the minimum window area as required in (1) above.

(b) In lieu of openable windows for natural ventilation in dwellings, adequate ventilation may be an installed mechanical ventilation system capable of producing 0.35 air change per hour in the room or a whole-house mechanical ventilation system installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.

(2) Pre-existing conditions:

Approval of this pre-existing condition is transferable from one owner to another, provided compliance with all conditions of this section is maintained continuously. Failure to maintain continuous compliance with this section may result in termination of approval, and require compliance with current code provisions, following appropriate notification and hearing procedures of this Code.

(3) Clothes dryer exhaust.

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

Sec. 13.503. OCCUPANCY LIMITATIONS - LIMITS BASED ON UNIT HEIGHT AND ROOM AREAS

(1) Dwelling Unit Height and Area Requirements.

(a) Minimum room widths.

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

(b) Minimum ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

Exceptions:

(i) In one- and two-family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.

(ii) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.

(iii) Rooms occupied exclusively for sleeping, study or similar purposes and having a

sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third 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 5 feet or more shall be included.

(2) **Bedroom and living room requirements.**

Every bedroom and living room shall comply with the requirements of Sections 3.a through 3.e

(a) Room area.

Every dwelling shall contain at least one room 120 square feet in area, and every bedroom shall contain at least 70 square feet.

(b) Access from bedrooms.

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

(c) Water closet accessibility.

Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

(d) Prohibited occupancy.

Kitchens and non-habitable spaces shall not be used for sleeping purposes.

(e) Other requirements.

Bedrooms shall comply with the applicable provisions of this Code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements; the heating facilities and electrical receptacle requirements; and the smoke detector and emergency escape requirements of this Code.

(4) **Efficiency unit.**

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

(a) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by b and c, below.

(b) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this Code shall be provided.

(c) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

(d) The continued use of a pre-existing noncompliant room or dwelling unit may be approved, provided the owner makes application for approval of the pre-existing condition to the Building Official in accord with the procedures described elsewhere in this Code.

(5) **Effect of conflicting standards.**

Where there is conflict between the total unit occupancy resulting from application of these standards, and a more stringent occupancy limit stated in the Ames Zoning Ordinance or any other City of Ames code, the more stringent standard shall apply.

(6) **Limits based on Zoning District - Maximum Occupancy**

Note: The term 'family' as used in this Code shall be as defined in Ames Zoning Ordinance. The following text is as stated in the Ames Zoning Ordinance.

(a) In all cases, each dwelling unit shall provide habitable floor space totaling at least eighty (80) square feet for the first occupant and sixty (60) square feet for each additional occupant.

(b) RL and UCRM zoning districts - Single Family and Two Family Dwellings.

Notwithstanding an excess of floor space over that required by subsection (1) above, in all single family and two family dwellings in the RL and UCRM zoning districts the maximum occupancy of a dwelling unit shall be one family.

(c) RH and RM zoning Districts - Single family and Two-Family Dwellings. Notwithstanding an excess of floor space over that required by subsection (1) above, in all single family and two-family homes in the RH and RM zoning districts, the maximum occupancy of a dwelling unit shall be either:

(i) one family; or

(ii) one more person than the number of bedrooms, up to five people, provided there is one parking space per bedroom for units with two bedrooms or more, or in University Impacted areas 1.25 parking spaces per bedroom in units with two or more bedrooms, and one bedroom units shall have 1.5 parking spaces per unit.

(d) RH and RM zoning districts - Existing Apartments.

(i) Notwithstanding an excess of floor space over that required by subsection (1) above, in all existing apartment buildings (3 or more units) with a building permit date on or before May 1, 2000, in the RH and RM zoning districts, the maximum occupancy of a dwelling unit shall be either:

(a) one family; or

(b) one more person than the number of bedrooms, up to five people, provided there is one parking space per bedroom for units with two bedrooms or more, or in University Impacted areas 1.25 parking spaces per bedroom in units with two or more bedrooms, and one bedroom units shall have 1.5 parking spaces per unit.

(ii) Provided, however, that with respect to dwelling units that, as of May 1, 2000, had a current Letter of Compliance stating an occupancy limit greater than the aforesaid, such occupancy limit shall be allowed to continue until such time as negated by a change of use or conditions in the property that would restrict the number of occupants in accordance with this subsection.

(e) All zoning districts other than RH and RM - Existing Apartments. Notwithstanding an excess of floor space over that required by subsection (1) above, in all existing apartment buildings (3 or more units) with a building permit date before May 1, 2000, in all zoning districts other than RH and RM, the maximum occupancy of a dwelling unit shall be one family.

(f) RH and RM Districts - New Apartment Buildings. Notwithstanding an excess of floor space over that required by subsection (1) above, in all single family and two-family homes in the RH and RM zoning districts, the maximum occupancy of a dwelling unit shall be either:

(i) one family; or

(ii) one more person than the number of bedrooms, up to five people, provided there is one parking space per bedroom for units with two bedrooms or more, or in University Impacted areas 1.25 parking spaces per bedroom in units with two or more bedrooms, and one bedroom units shall have 1.5 parking spaces per unit.

DIVISION VI PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Sec. 13.600. RESPONSIBILITY.

(1) General.

The owner of the structure shall provide and maintain all plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not permit another person to occupy any structure or premises which does not comply with the requirements of this chapter. Nothing in this Code is intended to supercede the City of Ames Plumbing or Utility code.

(2) Plumbing Work by Property Owners/Managers.

An unlicensed property owner, landlord, or maintenance person may perform routine maintenance upon rental property under their ownership of control. Routine maintenance means the repair or replacement of existing plumbing apparatus, equipment, and fixtures including toilets, tubs, shower compartments, lavatories, sinks, faucets, and related supply and waste piping from the connection at or near the wall to the fixture, only. This does not permit the extension or addition of any new supply or waste piping to serve any new fixtures, or the installation of any new fixtures where no piping or fixtures were previously located. All new installations must be performed by licensed persons.

(3) New Work Must Comply.

Plumbing items repaired or replaced shall comply with current City of Ames Plumbing Code and all other relevant standards.

Sec. 13.601. REQUIRED PLUMBING FACILITIES.

(1) **Dwelling units, required fixtures.**

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory (hand sink) shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(2) **Rooming units.**

In lodging, boarding, fraternity and sorority houses, the maximum number of persons sharing the same bathroom facilities shall be eight (8). Such facilities shall be located to afford privacy and to be accessible from a common hall or passage way to all persons sharing the facilities.

Sec. 13.602. TOILET ROOMS.

(1) **Privacy.**

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms. Exception: fraternities, sororities, and dormitories.

(2) **Location.**

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

(3) **Floor surface.**

Every toilet room floor shall be a hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

Sec. 13.603. PLUMBING SYSTEMS AND FIXTURES.

(1) **Plumbing Fixtures General.**

All plumbing fixtures 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 functions for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(2) **Fixture clearances.**

Plumbing fixtures shall have adequate clearances for usage and cleaning.

(3) **Plumbing system hazards.**

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, unprotected or improperly protected cross connection, backsiphonage, deterioration, or damage, or for similar reasons, the Building Official shall require the defects to be corrected to eliminate the hazard.

Sec. 13.604. WATER SYSTEMS.

(1) **General.**

(a) Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to a private water system approved by the City. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot and cold running water in accordance with the City of Ames Plumbing Code.

(b) Gang water meters in multiple dwelling units will be clearly labeled by the City Water Pollution Control Department at the time of installation. It is a City of Ames Municipal Code violation to remove, alter, or otherwise tamper with such labels.

(2) **Contamination.**

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses can be attached, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(3) **Supply.**

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(4) **Water heating facilities.**

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of hot water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

Sec. 13.605. SANITARY DRAINAGE SYSTEM.

(1) **General.**

All plumbing fixtures shall be properly connected to either a public sanitary sewer system or to a private sewage disposal system approved by the City. Sump pumps, roof drains, and other storm water drainage systems shall not be connected to a sanitary sewer.

(2) **Maintenance.**

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

DIVISION VII MECHANICAL AND ELECTRICAL REQUIREMENTS

Sec. 13.700. GENERAL

The owner of the structure shall provide and maintain all mechanical heating, air conditioning and ventilation appliances and appurtenances in compliance with these requirements. A person shall not permit another person to occupy any structure or premises which does not comply with the requirements of this chapter. Nothing in this Code is intended to supercede the City of Ames Mechanical Code, or any related code.

(1) **Mechanical Work 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 of existing mechanical apparatus, equipment, fixtures, ductwork. It does not include the replacement of existing furnaces or water heaters. It does not permit the extension or addition or installation of any new supply or return air ductwork, gas piping, new appliances or fixtures where no such items were previously located. All new installations must be performed by licensed persons.

(2) **New Work Must Comply.**

Mechanical items repaired or replaced shall comply with current City of Ames Mechanical Code and all other relevant standards.

Sec. 13.701. HEATING FACILITIES.

(1) **Mechanical Equipment.**

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° Farenheit in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

(2) **Heat supply.**

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the heating season capable of maintaining a temperature of not less than 68° Farenheit in all habitable rooms, bathrooms, and toilet rooms.

(3) **Room temperature measurement.**

The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from each exterior wall.

Sec. 13.702. MECHANICAL EQUIPMENT.

(1) **Mechanical appliances.**

All mechanical appliances, operable fireplaces, 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 functions.

(2) **Removal of combustion products.**

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Exception: Fuel-burning equipment and appliances which are labeled for unvented operation need not be connected to a chimney or vent.

(3) **Clearances.**

All required clearances to combustible materials shall be maintained in accordance with International Mechanical Code or manufacturer's specifications.

(4) **Safety controls.**

All safety controls for fuel-burning equipment shall be maintained in effective operation.

(5) **Combustion air.**

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

(6) **Furnaces/re-circulated ventilation air.**

The use of a single furnace serving multiple dwelling units within an existing registered rental structure where air is circulated through more than one unit 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 Building Official.
- (b) The owner/manager discloses existence of the shared furnace in the lease and acceptance is initialed by the tenant;
- (c) The owner/manager discloses existence of a shared thermostat in the lease and acceptance is initialed by the tenant;
- (d) The owner/manager obtains an annual furnace safety inspection and written certification, from a licensed mechanical contractor, of all furnaces more than 5 years of age. Certification of furnaces less than 5 years of age may be required by the Building Official for due cause.
- (e) When the single furnace is replaced, it must be brought into compliance with current codes regulating:
 - (i) exhaust system;
 - (ii) fuel gas piping;
 - (iii) electrical supply;
 - (iv) ventilation air;

and other relevant provisions of the electrical, mechanical, fuel gas, and plumbing codes.

(f) A carbon monoxide detector must be provided within the vicinity of the furnace, as specified by the manufacturer. Recirculation of air between dwelling units and common areas is not prohibited by this Code. Approval of this pre-existing condition is transferable from one owner to another, provided compliance with all conditions of this section is maintained continuously. Failure to maintain continuous compliance with this section will result in termination of approval, and will require compliance with current mechanical code provisions, following appropriate notification and hearing procedures of this Code. Approval of this pre-existing condition will not be granted to new rental registration applications for duplex or multifamily dwellings.

(7) **Furnace and system safety certification.**

The owner of a structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. All mechanical appliances, operable fireplaces, 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 functions.

Each fuel-burning appliance shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation need not be connected to a chimney or vent.

The Building Official or designee may require an owner to obtain written safety certification from a licensed mechanical contractor when, in the Building Official's judgment, the safe or operable condition of an appliance is questionable.

(8) **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. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's specifications.

Sec. 13.703. ELECTRICAL FACILITIES.

(1) **Electrical 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.

(2) **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 or lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Building Official shall require the defects to be corrected to eliminate the hazard.

(3) **Installation.**

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

(4) **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 Building Official shall require the defects to be corrected to eliminate the hazard.

Sec. 13.704. ELECTRICAL EQUIPMENT.

(1) **General.**

The owner of the structure shall provide and maintain such electrical equipment and appurtenances in compliance with these requirements. A person shall not permit another person to occupy any structure or premises which does not comply with the requirements of this chapter. Nothing in this Code is intended to supercede the City of Ames Electrical Code, or any related code.

(2) **Electrical Work 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.

(3) **New Work Must Comply.**

Electrical items repaired or replaced shall comply with current City of Ames Electrical Code and all other relevant standards.

(4) **Receptacles.**

Each habitable space shall have at least two duplex electrical outlets where an electrical cord may be easily and directly plugged in with a minimum of inconvenience. Additional outlets may be required in those conditions where outlet overuse creates a hazard. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter

(5) **GFCI Outlets in Kitchens and Baths.**

Each bathroom shall have at least one duplex electrical outlet where an electrical cord may be easily and directly plugged in with a minimum of inconvenience. Ground-fault protected receptacles are required in the following locations:

(a) **Bathrooms:**

All 125-volt receptacles in bathrooms shall be ground-fault protected.

(b) **Kitchens:**

All 125-volt receptacles serving kitchen countertop surfaces shall be ground-fault protected.

All rental units shall meet this requirement as directed in their inspection and no later than July 1, 2010.

(6) **Lights in dwellings.**

The owner shall provide, near the entrance to each room, a switched convenience outlet or a light fixture capable of providing sufficient light for each square foot in each habitable room, bathroom, water closet compartment, and hallway within the dwelling unit.

(7) **Lights in Closets.**

Uncovered, bare, or partially enclosed incandescent luminaires (light fixtures, bulbs) are not permitted in clothes closets. All luminaires that are present in clothes closets must meet the requirements of the current electrical code. Clothes closet is defined as a non-habitable room or space intended primarily for storage of garments and apparel.

(8) **Luminaires and lighting in common areas.**

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire (light fixture). The owner shall provide lighting at all public halls and stairways at all times. Emergency lighting shall be provided in all common hallways and stairways in multiple dwellings with more than two units. Light intensity shall be sufficient to illuminate the path of travel at floor level at all times.

Sec. 13.705. ELEVATORS.

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

DIVISION VIII FIRE SAFETY REQUIREMENTS

Sec. 13.800. GENERAL.

(1) **Scope.**

The provisions of this section shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

(2) **Responsibility.**

The owner of the premises shall provide and maintain all fire safety facilities and equipment in compliance with these requirements. A person shall not occupy or permit another person to occupy any premises that do not comply with the requirements of this chapter.

Sec. 13.801. MEANS OF EGRESS

(1) **Locked doors.**

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort, except where the door hardware conforms to that permitted by the International Building Code.

(2) **Means of egress - general.**

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the 2006 International Fire Code.

Every dwelling unit shall have at least one exit directly to the outside, or two direct routes of exit to the outside reached by travel in different directions. Routes of exit shall be corridors in common areas kept open and accessible, leading directly to exits, one of which may be a window, located remote to one another, which open directly to the outside.

(3) **Egress windows/emergency escape openings.**

(a) **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.

(b) **Above grade egress windows.**

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

(i) 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 Building Official.

(ii) 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.

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

(d) **Below grade egress windows.**

(i) Below grade and basement windows must comply with the 2006 International Residential Code

(ii) 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 December 31, 2010.

(iii) Pre-existing below grade and basement windows that are compliant in all regards except window sill height above the floor, shall, upon owner request be reviewed on an individual case basis by the Building Official.

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

Sec. 13.802. FIRE PROTECTION SYSTEMS.

(1) **General.**

All systems, devices, and equipment to detect a fire, actuate an alarm, or suppress or control a fire, or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

(2) **Smoke detectors required.**

All systems, devices, and equipment to detect a fire, actuate an alarm, or suppress or control a fire, or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code. Single or multiple station smoke alarms shall be installed and maintained in dwellings and dwelling units at all of the following locations:

(a) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

(b) In each room used for sleeping purposes.

(c) In each story within a dwelling unit, including basements and cellars, but not including crawl spaces and uninhabitable attics. 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) All rental units shall meet this requirement as directed in their inspection and not later than

December 31, 2010.

(3) Portable Fire Extinguishers.

At a minimum, all dwelling units shall have one charged and operable 2-A: 10-BC rated fire extinguisher; or, there shall be one charged and operable 2-A: 10-BC rated fire extinguisher supplied and kept on each floor of a dwelling within seventy-five (75) feet of every unit entrance located in conspicuous locations where they will be readily accessible and immediately available for use. All charged and operable fire extinguishers must meet the requirements of applicable fire safety regulations promulgated by authorized officials of the State of Iowa in the Iowa Administrative Code. Fire extinguishers shall be subjected to required maintenance at intervals of not more than one year by a trained individual. These requirements shall apply to all rental housing. All existing rental housing must comply with these requirements by not later than July 1, 2015.

(4) Emergency access key boxes (Knox boxes).

Key boxes, for emergency Fire Department use, shall be installed in multi-family apartment buildings, at entry points as specified by the Fire Chief or designee. Key boxes shall be of an approved type and shall contain keys to provide necessary access to rooms and areas as required by the Fire Chief or designee,

The operator of the building shall immediately notify the Fire Chief or designee, and provide a new key whenever any lock is changed or rekeyed. The new key to such lock shall be secured in the key box, and the old key shall be removed. This requirement shall apply to all new apartment buildings of six dwelling units or more.

All existing apartment buildings of six dwelling units or more shall comply with this requirement not later than July 1, 2011.

(5) Fire alarm system retrofitting.

At a minimum, all existing R-2 occupancies of more than 16 dwelling or sleeping units, shall have an automatic, or manual and automatic fire alarm system installed throughout all interior corridors serving sleeping units in accord with the following schedule:

(a) Each and every existing building that comes within the scope of this section shall be retrofitted as aforesaid not later than July 1, 2014.

(b) Should a facility be unable to meet the prescribed date of July 1, 2014 the owners can request up to two extensions. Requests for extension will be heard by the Building Board of Appeals.

(i) A first request for extension may be brought to the Board prior to July 1, 2013. If granted an extension for three years, the implementation period would end on July 1, 2017.

(ii) Should a facility be unable to meet the extended compliance date of July 1, 2017. a second request for extension may be brought to the Board prior to July 1, 2016. If granted an extension for two years, the implementation period would end on July 1, 2019.

(iii) In order to grant an extension, the Board shall find all of the following five criteria have been met:

(a) The owners have made a compelling case that they cannot be Code compliant by the prescribed ordinance date.

(b) The owner's request for extension is based upon financial need.

(c) The owners have made substantial and unsuccessful efforts to acquire necessary funds.

(d) Complete and thorough cost estimates, construction plans, and Code compliant alarm system designs have been developed.

(e) The owners have a viable plan for compliance if an extension is granted.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

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

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk
O01015

Ann H. Campbell, Mayor