

Report to Council

Response to Requests for Changes to Chapter 13, Rental Code

Prepared By City Staff at the Request of the  
Property Maintenance Appeals Board

Sept. 24, 2010

### Introduction

The Ames Rental Association (ARA) requested 28 changes to the current Rental Housing Code in a PowerPoint presentation to the Property Maintenance Appeals Board (Board) on Thursday, September 2, 2010. The Board reviewed the ARA's requests at special meetings on September 13, 14, and 21, and discussed each. Careful consideration was given to each of the ARA requests and the following pages contain the Board's responses to the 28 changes to Chapter 13 requested by the Ames Rental Association.

### Report Format

The ARA presented 28 unnumbered slides with code references and specific requests. The slides are presented and were discussed at the three Board work sessions in the same order as presented by the ARA on September 13, 2010.

This report includes:

Recent Background, an information update for Council since it last considered issues pertaining to Chapter 13

History, a brief summary of the City of Ames, State of Iowa, and International Code Council history regarding rental housing enforcement.

### Summary of the Board's Actions

#### Detailed breakdown of ARA issues and Board recommendations including:

The slide number.

The written content of each slide with a corresponding item number attached.

Referenced Code Section, each page also includes text of the code reference or sections referred to by the ARA.

Comment, the staff supplied comment to assist the Board's discussions.

Discussion, a summary of the board's discussion on each point.

Board Vote/Recommendation, the outcome of the discussion and Board's recommendation to Council.

### Summary Table of Board Recommendations

### Recent Background

The question of whether Ames is required to have a rental housing code was asked by members of the Board. City Attorney Doug Marek, answered the question as follows:

*"You are correct that the City of Ames is required by state law to have and to enforce a rental housing code. The goal of enforcement must be improvement of housing conditions. If a city does not formally adopt one of the uniform codes, it is deemed to have adopted the International Code. The City's code may be stricter than, but not more lenient than, the International Code or the alternative uniform code that the City adopts.*

*I've attached the annotated state code section. (The only state supreme court case noted, interestingly, is a City of Ames case from 1985 relating to the court's authority to issue administrative warrants for the inspections of rental units.:"*

State Code Section 364.17. City housing codes

1. A city with a population of fifteen thousand or more may adopt by ordinance the latest version of one of the following housing codes before January 1, 1981:
  - a. The uniform housing code promulgated by the International Conference of Building Officials.
  - b. The housing code promulgated by the American Public Health Association.
  - c. The basic housing code promulgated by the Building Officials Conference of America.
  - d. The standard housing code promulgated by the Southern Building Code Congress International.
  - e. Housing quality standards promulgated by the United States Department of Housing and Urban Development for use in assisted housing programs.
2. Every city with a population of fifteen thousand or more which has not adopted another housing code under this section by

January 1, 1981, is subject to and shall be considered to have adopted the uniform housing code promulgated by the International Conference of Building Officials, as amended to January 1, 1980. A city which reaches a population of fifteen thousand, as determined after July 1, 1980, has six months after such determination to comply with this section.

3.a. A city which adopts or is subject to a housing code under this section shall adopt enforcement procedures, which shall include a program for regular rental inspections, rental inspections upon receipt of complaints, and certification of inspected rental housing, and may include but are not limited to the following:

- (1) A schedule of civil penalties or criminal fines for violations. A city may charge the owner of housing a late payment fee of twenty-five dollars and may add interest of up to one and one-half percent per month if a penalty or fine imposed under this subparagraph is not paid within thirty days of the date that the penalty or fine is due. The city shall send a notice of the late payment fee to such owner by first class mail to the owner's personal or business mailing address. The late payment fee and the interest shall not accrue if such owner files an appeal with either the city, if the city has established an appeals procedure, or the district court. Any unpaid penalty, fine, fee, or interest shall constitute a lien on the real property and may be collected in the same manner as a property tax. However, before a lien is filed, the city shall send a notice of intent to file a lien to the owner of the housing by first class mail to such owner's personal or business mailing address.
- (2) Authority for the issuance of orders requiring violations to be corrected within a reasonable time.
- (3) Authority for the issuance of citations pursuant to sections 805.1 to 805.5 upon a failure to satisfactorily remedy a violation."

#### History

The City of Ames adopted a locally authored rental housing code in the late 1970's. The City of Ames adopted a revised and updated rental housing code in 2009. It's based largely upon the 2006 International Property Maintenance Code (IPMC), and the other International Codes previously and currently adopted by the City and State. It also contains some locally authored requirements specifically tailored to this community.

The IPMC is the State-recognized equivalent of the Uniform Housing Code referenced in State Code, above. The International Codes succeeded the Uniform Housing Code and the other codes referenced in State Code, above, in the year 2000. The IPMC is the adopted rental housing code in more than 25 Iowa cities, including Ankeny, and in several hundred other cities throughout the nation.

The State of Iowa mandate for housing codes appeared as early as 1919. The 38<sup>th</sup> General Assembly of Iowa enacted a law, Senate File No. 475, Chapter 123, known as the *Housing Law of Iowa, approved March 31, 1919, and effective July 4, 1919, intended to "promote the health, safety, and welfare of the people by requiring certain minimum standards as regards space, light, ventilation, sanitation, fire protection, and other features of dwellings."* The act was "mandatory for every city of 15,000 or more population, and for every city as its population reaches 15,000."

It has been 90 years from the date of this State Law to the City Council's enactment, in July, 2009 of the current Ames Rental Housing Code.

As a part of the July, 2009 revision of Chapter 13, a new appeals board was established by the Council in chapter 13.108 (2) c. to hear anticipated appeals of the recent changes. The membership and composition of the board follows:

Al Warren	1 small/medium property landlord (owns fewer than 50 rental dwelling units)
Gary Hunziker	1 large property landlord (owns 50 or more rental dwelling units)
Bert Schroeder	2 neighborhood resident owner-occupants with no financial interest in residential rental property
Pat Brown	
De Betts	1 long term tenant (non-student renter for more than 5 years)
Sean Morrissey	1 student tenant (full time post-secondary student renter)
Jeff Drury	1 general contractor - with financial interest in not more than 6 rental properties

### Summary of the Board's Actions

As directed by the Council, the Property Maintenance Appeals Board (Board) met with representatives of the newly formed Ames Rental Association (ARA) and citizens with opposing views on September 2, 2010. As a result of that meeting, three work sessions were conducted on September 13, 14, and 21, 2010. The Board addressed 28 requests for changes from the ARA to Chapter 13 or the Rental Code. The Board also voted on one initiative, additional staffing, not promoted by the ARA, but brought to light as a result of the Board's deliberations.

The three work sessions resulted in:

1. The Board reaching unanimous agreement on 25 specific recommendations for the Council's consideration
2. One majority decision ( # 18 ) on a specific recommendation for the Council's consideration
3. Two items ( #26 & #27 ) requested by the ARA were adopted by Council as a part of the recently completed 2009 International code adoption by the City.
4. One new item ( # 29 ) resulted from the work sessions, as well as past meetings of the Board. That is a unanimous recommendation by the Board that additional staff resources be added to the rental inspections program.
5. Five recommendations are referrals for additional Inspections Division, Legal, or Planning staff research and opinion to further develop recommendations for Council's consideration ( #'s 9, 16, 17, 21, 28). These issues involve whether the City has the ability to make requested changes. The issues were discussed by the Board without conclusive results and are referred to the Council without a request that they return for further Board action.

The board respectfully submits this report and its recommendations for the Council's consideration.

- Al Warren, Chairman, Property Maintenance Appeals Board

## Detailed breakdown of ARA issues and Board recommendations:

### Slide 1

#### Sec. 13.108. MEANS OF APPEAL

##### (1) Application for appeal.

- Increase appeal time from 20 to 60 days.
- Substitute the word 'equal' for 'increase' in paragraph (c).

#### Referenced Code Section:

##### 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:

- (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

#### Comment:

This includes two separate requests - increase appeal time, change the word 'increase' to 'equal'

#### Discussion:

The Board discussed time limits for filing appeal requests. The Board was advised by City Attorney that 20 days is the same as window to file appeal with district court. Advised by Building Official that 30 days is the general time limit for correction of routine rental code deficiencies; that only 2 appeals have been filed since this code became effective in July, 2009; that in actual practice, Inspections would not, and has never rejected an appeal that was a few days beyond the time limit for filing.

The Board asked for clarity in when the 20 day period starts. Does the clock start ticking on the date of inspection when the inspector provides the handwritten checklist, or when the formal deficiency letter is issued? After discussion among Board and staff, it was concluded the time limit should start from the date the formal inspection deficiency letter is issued. The Building Official noted that, due to various factors, there has been a significant time lapse between the day of inspection when the checklist results are given, and the day the formal deficiency letter is issued. In some cases, the time lapse has been several months. Until this time lapse improves, owners will have much more than 20 days in which to consider whether they want to file an appeal.

Board discussed whether 'increase' or 'equal' is the better test for approval of an alternative action in an appeal, and determined 'equal' is more in line with the Codes' intent and more consistent with other adopted codes.

#### Board Vote/Recommendation:

- Unanimous to retain current 20 day time limit for appeals
- Unanimous to add that "The 20 day time limit for filing an appeal begins on the date of the inspection deficiency letter."
- Unanimous to change the word 'increase' to the phrase "provide an equivalent degree"

## Slide 2

### Sec. 13.301. LETTER OF COMPLIANCE (LOC)

#### (6) Expiration.

- Remove paragraph (b).  
Allow letter of compliance to run its course.

### Referenced Code Section:

#### 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.

##### (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

### Comment:

### Discussion:

(Hunziker/Schroeder) to remove the word “reported” from 6(b). To add a 6(d) to state that if the Inspection Division cannot have an inspector out to do the rental inspection before the current LOC expires, then the LOC continues to be valid until the inspection can be completed.

Motion Passed: (6-0)

### Board Vote/Recommendation:

- Unanimous to remove the word “reported” from 6(b).
- Unanimous to add a 6(d) to state that if the inspection division cannot have an inspector out to do the rental inspection before the current LOC expires, then the LOC continues to be valid until the inspection can be done.

### Slide 3

#### Sec. 13.302. RENTAL INSPECTIONS

Remove paragraph (7)

Allow letter of compliance to run its course.

#### Referenced Code Section:

Sec. 13.302 Rental Inspections

(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.

#### Comment:

The same Code Section 13.301, requires that LOC's have a beginning and an end.

(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.

#### Discussion:

Board noted there is desire by some to make LOC's transferable from one owner to another, without requirement for inspection. Public perception may be that a rental property remains in the same condition from the date inspected until the LOC expires. The Board recognizes this is often not the case. Conditions of some rentals decline rapidly, for various reasons. Board agreed that requiring inspection when change of ownership occurs assures full disclosure, provides protection to both prospective buyers and to sellers in that it creates a public record of the condition of the property at the time of sale. Building Official and Assistant City Attorney noted that, despite this requirement, each year hundreds of rentals change hands without notification by buyer or seller to Inspections. City doesn't discover such changes until annual fee invoices are sent. Board noted the need for added code language acknowledging that inspections rarely occur prior to the expiration date of LOCs, for various reasons.

#### Board Vote/Recommendation:

- Unanimous to retain text of 13.302 (7) as is

## Slide 4

### Sec. 13.302. RENTAL INSPECTIONS

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

##### (b) Owner responsibility:

- Remove the word "clean" throughout.
- The LOC should not hinge on tenant actions.

#### Referenced Code Section:

##### (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.

#### Comment:

This section refers specifically to the owner's responsibility for the "exterior property and premises" [yard] and "the shared or public areas of the structure and exterior property". This section doesn't make an LOC conditional upon tenant actions. Tenant responsibilities are addressed in subsection (c). This section states that the owner is responsible for the common, shared, and public areas - inside and outside of the building.

#### Discussion:

Board agreed that 'clean' may be subjective, but also noted there are definitions of the term in dictionaries. The same assertion may be made about other terms that appear in this section and throughout the code: "safe and sanitary" and "good repair" for example. Building Official noted that this code, and all others, exists for application in the worst cases. Contrary to undocumented allegations, Inspections does not tell tenants to "pick up their clothes and put them away", and has not revoked any LOCs based upon any such minor housekeeping issue.

#### Board Vote/Recommendation:

- Unanimous to retain text as is



## Slide 5

### Sec. 13.402 PRIOR APPROVALS SHALL CONTINUE – CONDITIONS

Remove paragraph (3)(b)

The City has not kept Retroactive Conversion Permits, Board Variances, Administrative Approvals or even Letters of Compliance over time. Some agreement needs to be made to accommodate conditions that have met the standard of inspection over time.

#### Referenced Code Section:

(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:

(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.

#### Comment:

This section is specifically intended to draw a clear and a fair line between items that received prior official City approval and which will continue to receive official City approval moving forward, and those items that received prior approvals but will not continue receiving City approval. The topic was discussed, at significant length, in open public meetings, by the Rental Code Committee, City Legal, and Inspection Staff, and was approved by the City Council, as recommended by the City Attorney in his March 28, 2008 memo on 'Grandfathering'.

#### Discussion:

The City has located and continues inventorying hundreds of records of official prior approvals. However, there may be cases in which the City has no immediately known record of a prior approval. This section invites owners to bring forward their documentation. If the previously approved conditions are other than the 4 specific conditions which will not receive continued approval (Section 13.403 a, b, c, and d), then the City will continue to honor those prior official approvals, in perpetuity. Such continued approvals are transferable - as stated in Section 13.402(3)(g).

Prior to this procedure for documenting and recording previously approved items, an inspector could only assume that whatever incorrectly installed, constructed, repaired, or replaced item he was looking at must have been approved by the rental inspector or some other inspector who preceded him. This assumption, correct or otherwise, has resulted in a legacy of continued approvals of substandard and unsafe conditions. Inspections is currently finding in many rental dwellings.

The Assistant City Attorney reminded the Board that retroactive conversion permits were specifically offered in the early 1980's to scores of properties where owners had converted dwelling to rentals without any permits or inspections. It was an amnesty to enable noncompliant, unpermitted rentals one opportunity to gain approved status. There is no valid reason to offer any further accommodations for pre-existing conditions.

#### Board Vote/Recommendation:

- Unanimous to retain text as is

## Slide 6

### Sec. 13.402 PRIOR APPROVALS SHALL CONTINUE – CONDITIONS

Remove paragraph (3)(d) and substitute

- *(3)(d) A continuing letter of compliance shall constitute evidence of acceptance of lawful existence as outlined in the code (i.e. UPC).*

Remove paragraph (3)(h)

Newly registered rentals to be treated same as previously registered rentals

#### Referenced Code Section:

(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:

(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.

(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.

#### Comment:

The first request seems to be that any past LOC issued should serve as evidence of compliance with other codes "(i.e., UPC)". Prior LOCs specifically provided no assurance of compliance with any other adopted codes. A typical LOC issued in 2000 stated:

*"This is not a statement of compliance with any other city ordinance, such as zoning regulations, building codes, electrical codes, plumbing codes, or fire codes. If you desire to have the premises inspected for compliance with these codes, please contact the Building Official at 239-5155, Inspection Division."*

The second request is to remove the distinction between rental dwellings that have been previously registered and those which have not, i.e., those which are applying to become newly-registered rentals.

#### Discussion:

The Board recalled extensive detailed discussion of this during development of the current Rental Code. The proposed Code, as approved and enacted by City Council, states it is desirable to provide continued approvals to those pre-existing conditions described in the Code. The Board concluded that some consideration should be given to long time rentals, but that new rentals should comply with current standards in order to comply with the Code's objective as stated by the City Attorney: "The goal of enforcement must be improvement of housing conditions."

#### Board Vote/Recommendation:

- Unanimous to retain text as is

## Slide 7

### Sec. 13.403 PRIOR APPROVALS SHALL NOT CONTINUE - CONDITIONS

#### (1) General.

##### (b) Gas fired appliances.

Delete the words "or open directly into"

Add the sentence "*Unless equipped with power vent technology*".

New technology improves safety of these appliances.

### Referenced Code Section:

#### 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.

##### (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.

### Comment:

Adding the phrase "unless equipped with power vent technology" will not accomplish the goal desired by the ARA. If the goal to allow gas fired appliances - water heaters, furnaces - to remain opening directly into, located in, bedrooms and bathrooms, in existing rentals, then the needed phrase is, "unless equipped with direct vent sealed combustion appliances".

Power vent technology only solves half the problem with gas fired appliances in bedrooms and bathrooms - by assuring the exhaust gases are forced by the "power vent technology" out of the living space. This eliminates the problem of exhausting noxious gases effectively. The other half of the equation that's not addressed by a power vent is the combustion air. Combustion air is the oxygen rich air that is consumed by the appliance flame as it burns and creates heat. If that flame doesn't receive enough combustion air - which it may not from a small basement bedroom or bathroom, then the flame can starve, and hazardous conditions can result. The cure for this is a sealed combustion water heater or furnace, with a direct vent to the outside. This arrangement creates balanced air pressure in, through, and out of the appliance, so a dedicated source (pipe) draws air in to assure efficient combustion, and a direct vent (pipe) conducts exhaust to the outside.

The 2009 Uniform Plumbing Code Section 505.1, and 2009 International Fuel Gas Code Section 303.3, as adopted by the City of Ames and the State of Iowa, each require that such appliances in these locations obtain all combustion air from outside (sealed combustion) and vent directly to the outside (direct vent). This requirement was in the prior rental code, the prior plumbing and mechanical codes in effect in Ames, and was enforced by prior and current inspectors for many years.

### Discussion:

The Board noted that the International Mechanical Code (IMC), as adopted by the City of Ames and the State of Iowa, includes an exception that will provide the relief requested. IMC Section 303.3 states "Fuel -fired appliances shall not be located in, or obtain combustion air from...sleeping rooms, bathrooms, toilet rooms..." with the following exception: "Direct-vent appliances that obtain all combustion air directly from the outdoors."

### Board Vote/Recommendation:

- Unanimous to add an "exception" to Rental Code Section 14.403(1)(b) to read the same as the International Mechanical Code:  
"Direct-vent appliances that obtain all combustion air directly from the outdoors."

## Slide 8

### Sec. 13.403 PRIOR APPROVALS SHALL NOT CONTINUE - CONDITIONS

#### (1) General.

##### (c) Automatic Fire alarm system.

Remove the words "Retrofitting" and "pre-existing" and add the word "new".

The cost of these systems is simply unbearable in this economic climate.

Require in new construction only.

#### Referenced Code Section:

### 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.

##### (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.

#### Comment:

This requirement is as stated in the International Fire Code (IFC) as adopted by the State of Iowa and the City of Ames. The City cannot adopt any Fire Code rule less stringent than the State Fire Code.

IFC Section 907.2.9 Group R-2. "A manual fire alarm system shall be installed in Group R-2 [apartments] occupancies where:

3. The building contains more than 16 dwelling units or sleeping units."

The requirement applies specifically to *both new and existing* buildings:

IFC Section 907.3 Where required—*retroactive in existing buildings* and structures.

"An approved manual, automatic or manual, and automatic fire alarm system shall be installed in existing buildings and structures in accordance with Sections 907.3.1 through 907.3.1.8..."

It's important to note that not every building with more than 16 dwellings units is required to comply. It depends upon the arrangement of unit entrance doors and interior corridors:

IFC Section 907.2.8.2 Automatic fire alarm system.

"An automatic fire alarm system shall be installed throughout all interior corridors serving sleeping units.

Exception: An automatic fire detection system is not required in buildings that do not have interior corridors serving sleeping units and where each sleeping unit has a means of egress door opening directly to an exterior exit access that leads directly to an exit."

A generous time extension for compliance - up to 10 years is possible - was recommended by the Rental Housing Code Committee and approved by Council for inclusion in the current Rental Code. It's modeled on the Retroactive Sprinkler requirement for fraternities and sororities. *See slide number 25 for the time extension details in Code Section 13.802(5).*

#### Board Vote/Recommendation:

- Unanimous to retain text as is

## Slide 9

### Sec. 13.403 PRIOR APPROVALS SHALL NOT CONTINUE - CONDITIONS

#### (1) General.

(d) – Driveway approaches. - delete

No real health & safety basis, purely esthetic.

#### Referenced Code Section:

### 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.

#### (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. 13.406. EXTERIOR PROPERTY AREAS

#### (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.

##### Exceptions:

(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.

#### Comment:

The entire subject of off-street parking was discussed in detail by the Rental Housing Code Committee prior to submitting the draft Code for Council approval in July 2009. Although the majority of these requirements are copied directly from Ames Municipal Code, Chapter 29, Zoning, Section 29.406, this requirement for paving a gravel or dirt driveway approach - the area between the edge of a paved street and the edge of the public sidewalk - is exclusive to this Code. It was viewed as a compromise position - given in exchange for not requiring paving of existing gravel driveways and off-street parking areas at rentals. Cost was a factor discussed, the Committee believed it to be adequately addressed by providing owners a 3 year window to become compliant.

#### Discussion:

The scattering of various size rocks, pebbles, and mud onto the public sidewalk adjacent to gravel approaches, driveways, and parking lots is a practical hazard for pedestrians - specifically, young children, parents pushing toddlers in strollers, elderly persons, physically challenged persons, bicyclists – and is a public safety concern.

The washing of mud and gravel onto the paved public street adjacent to an unpaved driveway approach creates a maintenance issue for the City that adds avoidable costs to taxpayer supported services.

#### Board Vote and Recommendation:

- Unanimous to recommend that this requirement be deleted from Chapter 13, that Council refer it to the Planning Department for inclusion in Chapter 29, Zoning Ordinance, and it be made applicable to all properties.

## Slide 10

### Sec. 13.406. EXTERIOR PROPERTY AREAS

#### (8) Approval of pre-existing parking areas.

(b) delete paragraph (Rearrangement need not comply with new parking standards.)

See previous slide justification.

#### Referenced Code Section:

##### (8) Approval of pre-existing parking areas.

The continued use of pre-existing noncompliant parking areas may be approved provided:

(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.

#### Comment:

This requirement was intended to approve all pre-existing (gravel off-street parking areas. As with approvals of many pre-existing conditions, this essentially says, "you can continue having a gravel lot, as long as you maintain it. However, if you want to change it by expanding the area, then the new area must comply with the current standards for new off-street parking." This approval of what's there, coupled with a statement that any new work added to what's there must comply with current standards, is fundamental to all adopted model codes, and appears in all discussions in this Code regarding approved pre-existing conditions. Rearrangement of individual spaces within an existing parking area - with no expansion of area/perimeter - is permitted.

#### Discussion:

Review of the Zoning Code shows the words "rearranged" and "rearrangement" are not included. Therefore, rearranging parking spaces within an existing lot is permitted without any requirement to upgrade the parking lot to hard surface.

#### Board Vote/Recommendation:

- Unanimous to delete the words "rearranged" and "rearrangement"

## Slide 11

### Sec. 13.406. EXTERIOR PROPERTY AREAS

#### (10) Maintenance of Detached Garages, Sheds.

Add the word "leased" All leased accessory structures...

The rental code should apply only to rented structures.

### Referenced Code Section:

#### Sec. 13.406. EXTERIOR PROPERTY AREAS

##### (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.

### Comment:

The question arose from a situation in which there are more than one detached garages or storage buildings on a rental property. One or more of these buildings is not included in the lease with the tenant, and one or more of these buildings are used by the owner/landlord for storage. This request is for the City to enforce the maintenance standards of Chapter 13 only in regard to those buildings which are leased to the tenant, and to not enforce the standards in regard to those buildings which are located upon the same lot or parcel but are not leased to the tenant.

The 'Scope' section of Chapter 13, Section 13.100(4), is derived directly from the International Property Maintenance Code (IPMC), and states:

#### Sec. 13.100 GENERAL

##### (4) Scope.

The provisions of this Code shall apply to all existing residential rental structures and premises ...

The definition of 'Premises', Chapter 13 Definitions, Section 13.201, is drawn verbatim from the International Property Maintenance Code (IPMC), and states:

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

Therefore, any building existing upon a lot, plot, or parcel of land upon which a rental structure is located, is subject to the maintenance rules of Chapter 13.

### Board Vote and Recommendation:

- Unanimous to retain the text as is

## Slide 12

### Sec. 13.407. EXTERIOR STRUCTURE.

#### (3) Protective treatment - paint.

Delete this paragraph.

There is no quantification on what is deemed peeling, flaking or chipping.

This section is too ambiguous to apply. Oxidation is ongoing

### Referenced Code Section:

#### Sec. 13.407. EXTERIOR STRUCTURE.

##### (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.

### Comment:

We have approximately 3,000 rental structures in Ames - apartment buildings (not units) - single family dwellings, duplexes, and old single family homes that were converted to apartment units long ago.

About 2,000 (66%) of these structures were built before the first rental code was adopted in 1977. 1,000 (33%) of the rental structures in Ames were built before 1950 - 60 or more years ago. 500 (17%) of the rental structures in Ames were built before 1920 - 90 or more years ago.

The federal and State of Iowa lead-based paint abatement rules indicate chipped and peeling paint on buildings constructed before 1978 is more than an aesthetic concern - it is a health hazard. *Two thirds of the rental buildings in Ames are likely to have lead-based paint.* Although enforcement of lead paint abatement rules is by the Iowa Department of Health, and not the City Inspection Division, if specific quantification of chipped and peeling paint is desired, the Board may want to consider adopting the federal and State lead paint abatement guidelines into the Rental Housing Code.

### Discussion:

The Board agreed that some guidelines may be helpful to inspectors, but regardless, this is ultimately a judgment call. If owners disagree with the inspector's notice, they can use the appeal process.

### Board Vote and Recommendation:

- Unanimous to retain the text as is



### Slide 13

#### Sec. 13.407. EXTERIOR STRUCTURE.

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

(i) & (ii) delete 3/8 and substitute one.

(iii) delete ¼ and substitute ½.

Stringent new building codes allow for some settling and movement to retain safe use.

#### Referenced Code Section:

##### (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.

(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

Exception, in recognition of the effects of seasonal freeze/thaw cycles on precast concrete and other existing installations; 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 and the height of the door threshold above the porch, deck, or stoop may be as much as 9"

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

#### Comment:

The Rental Housing Code Committee spent a significant amount of time modifying requirements of the current International Building Code and prior Uniform Building Codes into an acceptable local version to address the concerns expressed by landlords in attendance at their public meetings.

The local version of this Building Code requirement does allow for significant settling and movement in the Council-adopted Exception subsection, above.

#### Discussion:

Maximum permissible variations in tread and riser dimensions have been in place in past and present City and State adopted building codes for several decades. The current approved standard deviation of 3/8 inch is more liberal than prior codes which in some editions approved 1/4 inch and in others approved 3/16 inch.

#### Board Vote and Recommendation:

- Unanimous to retain the text as is

## Slide 14

### Sec. 13.408. INTERIOR STRUCTURE

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

(b) & (c) remove the word "clean"

As mentioned previously "clean" difficult to interpret.

#### Referenced Code Section:

### 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.

#### Comment:

The Rental Housing Code Committee recommended, and the Council adopted, definitions derived directly from the International Property Maintenance Code (IPMC), the same rental housing code that has been adopted by more than 25 Iowa cities over 15,000 population.

Chapter 13 contains no definition of 'clean'. The Board may want to consider adding a definition from one of the other relevant codes, or from a reputable source such as Webster's Third International Dictionary.

### 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.

#### (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.

#### (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.

#### Discussion:

Board agreed that 'clean' may be subjective, but also noted there are definitions of the term in dictionaries. The same assertion may be made about other terms that appear in this section and throughout the code: "safe and sanitary" and "good repair" for example. Building Official noted that this code, and all others, exists for application in the worst cases. Inspections has not revoked any LOCs based upon any minor housekeeping issues.

#### Board Vote/Recommendation:

- Unanimous to retain text as is

## Slide 15

### Sec. 13.408. INTERIOR STRUCTURE

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

(a) (i) & (ii) replace 3/8 with one inch

(iii) replace ¼ with ½.

Reasons outlined previously

### Sec. 13.408. INTERIOR STRUCTURE

#### (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

#### Comment:

The Rental Housing Code Committee spent a significant amount of time modifying requirements of the current International Building Code, and prior Uniform Building Codes into an acceptable local version to address the concerns expressed by landlords in attendance at their public meetings.

#### Discussion:

Maximum permissible variations in tread and riser dimensions have been in place in past and present City and State adopted building codes for several decades. The current approved standard deviation of 3/8 inch is more liberal than prior codes which in some editions approved 1/4 inch and in others approved 3/16 inch.

#### Board Vote and Recommendation:

- Unanimous to retain the text as is

## Slide 16

### Sec. 13.503. Occupancy Limitations – Limits Based on Unit Height and Room Areas

- (5) ARA endorses and appreciates the previously passed recommendation to Council to allow four unrelated persons to occupy a four bedroom house with some restriction.

#### Referenced Code Section:

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

#### (5) 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.

#### Comment:

This entire section is "...as stated in the Ames Zoning Ordinance." The topic may be discussed by this Board, and this Board may make an official recommendation to Council, but further discussions, public hearings, and associated actions on this request, if any, will be under the jurisdiction of the Planning Department, not the Inspection Division, and not the Property Maintenance Appeals Board.

#### Board Vote and Recommendation:

- Unanimous - recommend to Council this request be referred to the Planning Department, since the requirement originates in the Zoning Ordinance, Chapter 29

## Slide 17

Sec. 13.600. PLUMBING RESPONSIBILITY.

(3) New Work Must Comply with current code.

Remove words "repaired or replaced" and insert the words "involved in remodeling" (talks about plumbing items).

UPC 101.4.1.3 and 101.5.3 allow for existing installations to continue, be maintained and repaired.

### Referenced Code Section:

Sec. 13.600. RESPONSIBILITY.

(3) New Work Must Comply.

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

UPC 2006 Chapter 1,

101.4 Scope

101.4.1.3 Existing Construction. No provision of this code shall be deemed to require a change in any portion of a plumbing or drainage system or any other work regulated by this code in or on an existing building or lot when such work was installed and is maintained in accordance with law in effect prior to the effective date of this code, except when any such plumbing or drainage system or other work regulated by this code is determined by the Authority Having Jurisdiction to be in fact dangerous, unsafe, insanitary, or a nuisance and a menace to life, health, or property.

101.5 Application to Existing Plumbing System.

101.5.3 Existing Installation. Plumbing systems lawfully in existence at the time of the adoption of this code may have their use, maintenance, or repair continued if the use, maintenance, or repair is in accordance with the original design and location and no hazard to life, health, or property has been created by such plumbing system.

### Comment:

The requirement for new work to comply with current codes is universal throughout the adopted Building, Electrical, Mechanical, and Plumbing Codes, and has been for decades. The requirement for new work to comply with the current codes was included in the 1977 Ames Rental Housing Code.

These code statements clearly say that if the work was done in compliance with codes in effect at the time, and it has been maintained in a safe, sanitary condition, then no change is required. However - any new work that is done - repair, replacement, remodel, and alteration - must comply with current codes. This is a fundamental premise of all Uniform and International Codes, and it applies equally to private homeowners and commercial property owners.

### Discussion:

Board discussed concerns expressed by the ARA regarding costs of compliance with current Rental Code. Some owners of older single family conversions, especially, have complained that the various plumbing upgrades now required - such as S traps, basement shower compartments over floor drains, washers draining into floor drains, for example - require additional capital investment that may result in a neutral or negative cash flow. The Board acknowledged the financial challenges of meeting the current codes.

Gary Hunziker gave a short presentation showing the amount of housing units in Ames, the amount built before 1960 and of those the approximate amount that are rental units. (18,700 units- 28% or 5270 built pre 1960, 20% of those or 1054 are rental units). He was concerned that cost of replacing "S" traps and other plumbing issues will be about one year's income for the rental owner. He was concerned that if the City is saying that these traps are so dangerous, why would the code only apply to rental properties, why not inform all citizens of the danger of these traps? It should be an all or nothing, across the board.

Jeff Drury said he left the last meeting feeling unsettled. He heard from three different plumbers and said that he heard many different answers. He's not convinced that some of the questioned plumbing was never allowed. He believes that there are more important safety issues than plumbing.

Al Warren stated if the City thinks that these plumbing issues are "hot buttons" there should be information going out to all citizens saying that "s" traps are deadly. He feels the city is taking a big risk if these are so dangerous.

Board Vote and Recommendation:

- Unanimous to recommend staff develop alternatives to address existing "S" traps, auto vents, and basement surface draining of showers, laundry, and sinks, for the City Council's consideration.

## Slide 18

### Sec. 13.602. TOILET ROOMS.

#### (3) Floor surface. Reword

Every toilet room floor shall be a surface that allows such floor to be easily kept in a clean and sanitary condition.

Carpet should be allowed.

### Referenced Code Section:

#### Sec. 13.602. TOILET ROOMS.

#### (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. 13.100 GENERAL

#### (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.

### Comment:

Rental property is often not used or maintained in the same manner as an \$800,000 single family owner-occupied house, where a carpeted bathroom suite may be found. Tenants have widely varying degrees of attentiveness to sanitary maintenance of toilet rooms. Consequently, it would seem to be in the best interest of landlords to provide floor coverings that will resist, rather than absorb, bodily waste materials and the accompanying bacteria that enhance the spread of colds, flu, and other diseases among the various tenants sharing the facilities. Floor coverings that can be quickly mopped up with a damp soapy rag would seem desirable for these small areas, and more conducive to maintaining tenant health than carpet.

### Discussion:

Brief discussion of sanitation issue involved. Concerns were expressed about rental owners who had recently used carpet in a bathroom having to remove the new carpet unnecessarily. First motion was to keep the existing code language as is failed 2-4.

### Board Vote and Recommendation:

- Motion Passed (4-2) to leave text as is however, make this issue a noted item instead of cited so that it would have to be corrected by the next inspection cycle.

## Slide 19

### Sec. 13.702. MECHANICAL EQUIPMENT.

(6) Furnaces/re-circulated ventilation air. Delete entire text and replace with:

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.

No evidence has been provided that single furnaces are a health & safety issue.

### Referenced Code Section:

#### Sec. 13.702. MECHANICAL 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.

### Comment:

After significant public discussion, the Rental Housing Code Committee drafted, and Council approved, this Code Section. There is nothing in this code section, or any other, that prevents the continued use of a single furnace serving multiple dwellings. Because this Rental Code Section contradicts Section 403.2.1 of the International Mechanical Code, as adopted by the State of Iowa and the City of Ames, in order for the Committee to be able to approve the continued use of these pre-existing furnace installations, it was necessary to require code upgrade in other areas. The other areas are clearly described in (e) and (f) above. *None of these code upgrades is required until the pre-existing furnace is replaced.* If these upgrades weren't included in the Rental Code, then continued approval of these pre-existing furnaces would not be possible because such approval would constitute a waiver of State of Iowa and City of Ames Mechanical Code which states "Ventilation air shall not be recirculated from one dwelling to another..." No State or City official or appointed board has legal authority to waive any code requirement.

### Discussion:

Short discussion. Board members felt a considerable amount of give had been built into this section of the code. They believe some customers have misconceptions about this section. Clarity could be helped by adding wording to the current language in section 13.702 (6) (d) to clarify this as applying to shared furnaces.

### Board Vote and Recommendation:

- Unanimous – To leave text as is with the addition of the word "shared" behind the word "all" and in front of the word "furnaces" in section 13.702 (6) (d) to clarify this section as applying to shared furnaces.



## Slide 20

### Sec. 13.704. ELECTRICAL EQUIPMENT.

(5) GFCI Outlets in Kitchens and Baths.

(b) Kitchens:

Add the words "*within six feet of a water source*"

Six feet is the National Electric Code requirement.

### Referenced Code Section:

### Sec. 13.704. ELECTRICAL EQUIPMENT.

(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.

2008 NATIONAL ELECTRICAL (NEC) CODE SECTION 210.8(A)(6):

GFCI outlets are required in Kitchens "-where the receptacles are installed to serve the countertop surfaces."

### Comment:

The official commentary published for use with the NEC explains:

"Many countertop kitchen appliances have only two-wire cords and do not have an equipment grounding conductor. The presence of water and grounded surfaces contributes to a hazardous condition, leading to the requirement ...for GFCI protection around a kitchen sink....The requirement is intended for receptacles serving the countertop. Receptacles installed for disposals, dishwashers, and trash compactors are not required to be protected by GFCIs. A receptacle(s) installed behind a refrigerator is installed to supply that appliance, not the countertop, and is not covered by this GFCI requirement."

The NEC is the State adopted Electrical Code, and is the City of Ames adopted Electrical Code. This requirement has been in place since the early 1980's for new residential construction. After significant discussion, the Rental Code Committee recommended, and Council approved, this new provision regarding kitchens in the Rental Code. It was viewed as a reasonable improvement for safety of tenants, especially those in older rentals (built before the early 80's) of which there are over 1,500.

### Discussion:

Gary Hunziker wondered about the safety concern over the 6' from a water source. Bert Schroeder gave examples of any area in a kitchen that could be a safety issue if the outlets were not grounded. Ed Gillott explained that all the outlets (visible) need to be GFCI outlets, and that is part of the National Electrical Code. There was discussion of what was considered a visible outlet.

### Board Vote and Recommendation:

- Unanimous to retain the text as is

## Slide 21

### Section 13.801 MEANS OF EGRESS

#### (3)(b) Above grade egress windows

Please provide alternate wording allowing current windows to remain in place without need for an application for pre-existing condition for all older homes (currently serving as rentals and those that may be made into rentals in the future).

#### Referenced Code Section:

##### Sec. 13.801. MEANS OF EGRESS

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

(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.

##### Sec. 13.402 PRIOR APPROVALS SHALL CONTINUE - CONDITIONS

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

(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.

#### Comment:

As these sections were applied in the fall of 2009, it became apparent the process of requiring owners/managers to make application for approval of pre-existing noncompliant egress windows was cumbersome to owners. In practice, since that time, inspectors have measured and noted dimensions of these pre-existing windows in above grade sleeping rooms. This accomplishes the intent of this Code Section by creating a document history of what windows have been approved by this office, going forward. Since this procedural change has already occurred, it is advisable to rewrite subsection (i) to match actual practice, or to delete it, with the understanding inspectors will obtain and record this data.

In regard to the second related request to make this requirement the same for newly-registered rentals, it should be noted the Building Official has, in actual practice, approved weather based deferrals on window upgrades for newly-registered rentals and for pre-existing rentals, as a courtesy, in recognition of the fact there are several winter months each year not conducive to window replacement. In some cases, time extensions of one year are approved. For example, several single family home owners have requested, and received approval to rent their vacant homes for a period of up to one year, while they are listed for sale. Inspections provides owners a one year LOC for these dwellings (after all other code standards are met) at the end of which time, if the dwelling has not been sold and the owner decides to continue renting it, the noncompliant above grade egress windows must be enlarged and made compliant with the Rental Code.

The Rental Housing Code Committee recommended, and Council agreed, that newly-registered rentals should not enjoy all the same special considerations granted to pre-existing rentals by this Code. These were viewed as an important tenant safety item that should be improved over time. Minimum area and height dimensions for above grade residential egress windows have been confirmed in effect since at least the 1967 Uniform Building Code.

#### Discussion:

Discussion started with concerns that egress windows for above grade rooms were being applied to new rental units, but not to all residential homes. Questions were asked if any new rental units had been brought in after complying with the egress window requirements. Staff answered that 8-9 have come in with the understanding they had to have compliance with the above grade egress windows.

Al Warren read a letter from a concerned landlord. Bert Schroeder said that his thinking goes back to an example that Judy Parks gave at the last meeting. You can have your own car in whatever condition you want, but as soon as you make that car

for hire, you have to meet certain criteria. Pat Brown reminded the group that there are certain criteria that have to be met as soon as you become a commercial business and that just goes with the territory. Gary was concerned because he feels that we are only talking about safety and if it were considered safe for a family raising children to live in, then why does it have to be changed now? Judy Parks said that if you can provide a roof over your own head that's fine, but once you move past that and start providing a roof over others heads, then you get into the business realm

De Betts said that as a renter she counts on her landlord to keep her home in a safe condition and that she appreciates the codes. Bruce Kinkade reminded the board that we have had many landlords that have had to comply and asked the board to keep that in mind.

Jeff Drury said that he isn't against what the code states for above grade egress, but wants to know if the Board would have some "wiggle room" if they were to get an appeal, so that they could decide as a group if there was a safety issue, or if the landlord had complied to the best of their ability.

Al asked Judy if the Board would be able to have some decision room on this matter. Judy said that Chapter 13 (13.108(c)) expresses that the Board would have latitude in hearing appeals related to above grade egress windows. She did say that might not stand for new rentals though.

As a result of this discussion, it was understood that the Board has the ability to hear appeals for above grade egress windows. The authority granted by City ordinance as to the Board's ability to hear appeals based upon "equal" levels of safety would be obtained for above grade egress windows.

\*\*\*Several Board members expressed the desire to be able to hear appeals for new rental units that have close to compliant above grade egress windows.

**Board Vote and Recommendation:**

No motions to recommend changes were approved.

Unanimous to direct the City Attorney to issue an opinion if the Board can hear appeals regarding bringing new rental property that has been inspected and found non-compliant into the City's rental registration system based upon an appeal that equal levels of safety could be obtained.

## Slide 22

### Sec. 13.802. FIRE PROTECTION SYSTEMS.

#### (2) Smoke detectors required.

##### (b) delete (in all bedrooms)

With new dual detection technology detectors are improved.

Tenants will disable too many detectors. Sometimes existing requirements are four within a 10' radius.

### Referenced Code Section:

#### Sec. 13.802. FIRE PROTECTION SYSTEMS.

(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.

### Comment:

These requirements for placement of detectors, as in (a), (b), (c), above, is as has been required since the 2000 International Building Code and International Residential Code became effective. These requirements are as stated in the International Fire Code adopted by the State and the City. These requirements are the same as stated in the International Property Maintenance Code (IPMC), the adopted rental code of more than 25 Iowa cities with populations greater than 15,000, including the City of Ankeny.

The Rental Housing Code Committee proposed, and Council agreed, that increasing the level of smoke detection was an important safety improvement item for several thousand affected tenants in Ames, the majority of whom live in buildings constructed before 1977 which are unprotected by any other alarm or automatic fire protection system.

The requirement for the new dual sensor smoke detectors was mandated by the State Fire Marshal, and became effective April 1, 2010. That rule requires dual sensor detectors be installed when existing detectors are replaced and whenever new detectors are installed anywhere.

### Discussion:

Al Warren stated that state law does not require retrofitting of smoke detectors in all bedrooms. Clint Petersen agreed that this is required by the State only for new construction. He said that new research has shown that hallway mounted smoke detectors can be ineffective for children (especially teenagers) and senior citizens. Pat Brown stated that she strongly believes that this is a safety issue

### Board Vote and Recommendation:

- Unanimous to retain the code text as is

## Slide 23

### Sec. 13.802. FIRE PROTECTION SYSTEMS.

#### 3) Portable Fire Extinguishers.

Remove "2-A; 10-BC " and replace with "1-A; 10-BC."

#### Referenced Code Section:

### Sec. 13.802. FIRE PROTECTION SYSTEMS.

#### (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.

#### Comment:

Type and placement of extinguishers is as specified in the International Fire Code (IFC) as adopted by the State and the City of Ames Fire Code.

It is important to clarify that the Rental Housing Code Committee recommended, and Council approved, a modification of the requirements in response to requests of some landlords. The Rental Code provides an alternative not specifically stated by the IFC, which provides equivalent protection: landlords have the option of either providing the larger 2A:10-BC extinguishers on each floor of buildings with common corridors, *within 75 feet of each unit* on the floor, OR placing one of these larger extinguishers *within each unit*. The Rental Code also sets the compliance date for the new extinguishers out *5 years in the future*, to enable landlords and managers to budget for the increased expense. No one is required to change extinguishers today or tomorrow.

#### Discussion:

Board members discussed the economic implications of this. This is a part of the State Fire Code and has been in the Ames Municipal Code since the 2004 adoption of the 2003 International Fire Code. Landlords have options to include less than one extinguisher per unit by placing them in hallways. This may have an undesirable result of persons vandalizing the extinguishers.

#### Board Vote and Recommendation:

- Unanimous to retain the code text as is

## Slide 24

Sec. 13.802. FIRE PROTECTION SYSTEMS.

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

Remove the last sentence applying to existing units.

Cost and security are issues if boxes are not part of the original building design.

### Referenced Code Section:

Sec. 13.802. FIRE PROTECTION SYSTEMS.

(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.

### INTERNATIONAL FIRE CODE (IFC)

#### SECTION 506 - KEY BOXES

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.

506.1.1 Locks. An approved lock shall be installed on gates or similar barriers when required by the fire code official.

506.2 Key box maintenance. The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

### Comment:

This section of the Rental Code is derived from the International Fire Code (IFC) as adopted by the State of Iowa and City of Ames. As stated, in 506.1, above, "...the fire code official is authorized to require a key box be installed in an approved location." This is made more specific in the Rental Code above, "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." Requirements for key boxes are specific to the entrance door and interior common area configurations. Not all dwellings with more than six units will be affected by this requirement. A site visit by the Fire Inspector is required to determine whether a key box is necessary.

The primary purpose of key boxes is to enable the Fire Department to respond effectively and efficiently to buildings with secured entrances where there is not an apparent life hazard. The most common examples are EMS calls and false alarms. Currently, at such buildings without key boxes, Fire personnel must make phone calls and wait for an owner/manager, often at night, to come to the site, unlock the entry door to provide them necessary access to reset the emergency alarm panel. With key boxes, Fire personnel can respond to a false alarm, obtain entry, reset the alarm panel controls, and be more quickly available to respond to other possibly more critical calls. In cases of apparent life-threatening emergencies, Fire personnel could bypass the key box and use different methods to gain immediate access to the building within seconds of arrival.

### Discussion:

Gary Hunziker said that he feels that the main purpose of the Knox Boxes is for verifying false alarms, because if there is an obvious fire, the firefighters are going to get into the building no matter what. Clint said that a lot of the use of them is for EMS calls. We will get in if there is a fire. It does help with false alarms. It is expensive. An advantage to this is that if they pull up to a building at 2am and it's not an emergency, emergency crews will know because of the number of units that there is a Knox box. Jeff Drury said that if you look at the cost of purchasing and installing a Knox box, it will not really be a huge expense compared to if you have to replace doors that have been kicked in for what was considered an emergency and maybe turned out to be a

false alarm. Gary argued that for the smaller units it's a lot more money per unit compared to the larger ones. Bert Schroeder said that he keeps going back to thinking of those 2am calls.

Board Vote and Recommendation:

- Unanimous leave text as is, with change of the compliance date from 2011 to 2013.
- Unanimous to change the number of units from 6 units to 9 units and over for Knox box requirement

## Slide 25

### Sec. 13.802. FIRE PROTECTION SYSTEMS.

#### (5) Fire alarm system retrofitting.

Remove this paragraph as to older units; continue to require on new construction in building code.

### Referenced Code Section:

#### Sec. 13.802. FIRE PROTECTION SYSTEMS.

##### (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.

### Comment:

The specific requirement to retrofit these buildings has existed in the International Fire Code (IFC) as adopted by the State of Iowa and City of Ames since 2003. The Rental Housing Code Committee proposed, and Council approved, a generous timeline for compliance, modeled on the Retroactive Sprinkler System requirements for fraternities and sororities. This Code Section enables persons to obtain *extensions to ten years* from the time this Code was approved in 2009.

### Discussion:

The board asked if this was something that they even had authority to change. Chief Petersen said that this was state mandated in the 2003 State Fire Code.

### Board Vote and Recommendation:

- Unanimous to leave as is, board has no authority



## Slide 26

Sec. 5.100. TITLE AND ADOPTION.

(13)(b) Plumbing.

Retain Sections 101.4 Scope and 101.5 Application to Existing Plumbing System from Chapter 1 of the 2006(9) Uniform Plumbing Code

Propose to restore following language (see next slide)

## Slide 27

Restore following Language:

UPC 2006 Chapter 1

101.4 Scope

101.4.1.3 Existing Construction. No provision of this code shall be deemed to require a change in any portion of a plumbing or drainage system or any other work regulated by this code in or on an existing building or lot when such work was installed and is maintained in accordance with law in effect prior to the effective date of this code, except when any such plumbing or drainage system or other work regulated by this code is determined by the Authority Having Jurisdiction to be in fact dangerous, unsafe, insanitary, or a nuisance and a menace to life, health, or property.

101.5 Application to Existing Plumbing System.

101.5.3 Existing Installation. Plumbing systems lawfully in existence at the time of the adoption of this code may have their use, maintenance, or repair continued if the use, maintenance, or repair is in accordance with the original design and location and no hazard to life, health, or property has been created by such plumbing system.

Comment:

These sections of the Uniform Plumbing Code (UPC) are restored with Council's adoption of the 2009 I-Codes.

Pre-existing plumbing (or any other work) that meets these criteria may continue:

- 1- "...installed and maintained in accordance with the [code previously in effect]...", and
- 2- "...lawfully in existence at the time [this code was adopted]..."

These code statements clearly say that, if the pre-existing work was done in compliance with the codes in effect at the time the work was done, and it hasn't been allowed to deteriorate into an unsafe or unsanitary condition, then no change is required. This is a fundamental approval provided by all the Ames-adopted Building, Electrical, Mechanical, nor Plumbing Codes. However - any new work that is done - repairs, or replacements, or remodels, alterations, any terms you want to use to describe new work - must comply with the current codes. This is a fundamental premise of all Uniform and International Codes, *it applies equally to private homeowners and commercial property owners*, and has been in force for decades.

### Board Vote and Recommendation:

- No Board action is required on this item. The request has been accomplished with recent Council adoption of the 2009 International Codes and revisions to Chapter 5.

## Slide 28

Propose to add following wording ...

"Evidence of inspection of the premises by a duly appointed representative of the City of Ames shall constitute satisfaction of the 'accordance with law' clause as referenced in section the 101.4.1.3 of the 2006 UPC and the 'lawfully in existence' clause in section 101.5.3 of the 2006 UPC."

*This wording is intended to clarify intent and provide the Inspections Department a legal way to allow existing plumbing to remain when it is functioning as intended and not causing any apparent danger to life, health, or safety.*

### Referenced Code Section:

See previous slide for references sections of the UPC.

A typical LOC issued in 2000 stated:

"This is not a statement of compliance with any other city ordinance, such as zoning regulations, building codes, electrical codes, plumbing codes, or fire codes. If you desire to have the premises inspected for compliance with these codes, please contact the Building Official at 239-5155, Inspection Division." The request seems to be that any past LOC issued should serve as evidence of compliance with other codes "(i.e., UPC)". Prior LOCs specifically provided no assurance of compliance with any other adopted codes.

Current 2010 LOCs state:

"This property has been inspected for compliance with Chapter 13, the Ames Rental Housing Code, and may be offered for rent."

### Comment:

The request seems to assert that any prior inspection and approval, whether by a rental inspector, building inspector, electrical, mechanical, or plumbing should be binding upon the City forever.

There is some relevant case law regarding the powers of a city or other governmental jurisdiction to enforce a lawfully adopted standard, regardless of when such violation is discovered.

Comments in regard to this request will be provided by the City Attorney.

### Discussion:

Discussion started with, citizens rely on the city and other professionals to correctly interpret the Code. So to have something approved and then taken away is not anticipated by owners. Judy Parks stated the Iowa Supreme Court has ruled that even if something is overlooked or not found, the law still requires Inspections staff to seek code compliance when found. Even if mistakes are made, subsequent inspections have to meet the code requirements.

### Board Vote and Recommendation:

- Unanimous to retain the code text as is

## No Slide, Additional Item

### Discussion:

Board members discussed the need for more timely response to customer service. Replies to inquiries, inspections results, and issuance of letters of compliance are taking too long. A discussion of what additional resources would be necessary ensued. Staff levels have not increased since the City had 4,000 units. The City now has a more complex rental code and over 11,000 units. Examples were shared of additional services such as online resources provided by other mid Iowa communities as a part of the rental program. Online inspection results and letters of compliance would be of benefit to the citizens, both landlords and tenants.

### Board Vote and Recommendation:

- Unanimous to support moving from part time inspections staff to adding an additional full time rental inspector and the addition of a ½ time clerical position.

ARA Slide #	Board Recommends Changes		PMAB Vote Tally	Summary Table of Recommendations
	Yes	No		
1	X		Unanimous	Retain current 20 day time limit for appeals Add that "The 20 day time limit for filing an appeal begins on the date of the inspection deficiency letter." Change the word 'increase' to the phrase "provide an equivalent degree"
2	X		Unanimous	Remove the word "reported" from 6(b). Add a 6(d) to state that if the inspection division cannot have an inspector out to do the rental inspection before the current LOC expires, then the LOC continues to be valid until the inspection can be done.
3	X		Unanimous	Retain text of 13.302 (7) as is
4		X	Unanimous	Code section should remain without change
5		X	Unanimous	Code section should remain without change
6		X	Unanimous	Code section should remain without change
7	X		Unanimous	Add an "exception" to Rental Code Section 14.403(1)(b) to read the same as the International Mechanical Code: "Direct-vent appliances that obtain all combustion air directly from the outdoors."
8		X	Unanimous	Code section should remain without change
9	X		Unanimous	Recommend that this requirement be deleted from Chapter 13, that Council refer it to the Planning Department for inclusion in Chapter 29, Zoning Ordinance, and it be made <u>applicable to all properties</u> .
10	X		Unanimous	Delete the words "rearranged" and "rearrangement"
11		X	Unanimous	Code section should remain without change
12		X	Unanimous	Code section should remain without change
13		X	Unanimous	Code section should remain without change
14		X	Unanimous	Code section should remain without change
15		X	Unanimous	Code section should remain without change
16	X		Unanimous	Recommend to Council this request be referred to the Planning Department, since the requirement originates in the Zoning Ordinance, Chapter 29
17	X		Unanimous	Recommend staff develop alternatives to address existing "S" traps, auto vents, and basement surface draining of showers, laundry, and sinks, for the City Council's consideration.
18	X		4 - 2	Leave text as is however, make this issue a noted item instead of cited so that it would have to be corrected by the next inspection cycle.
19	X		Unanimous	Add the word "shared" behind the word "all" and in front of the word "furnaces" in section 13.702 (6) (d) to clarify this section as applying to shared furnaces.
20		X	Unanimous	Code section should remain without change

ARA Slide #	Board Recommends Changes		PMAB Vote Tally	Summary Table of Recommendations
	Yes	No		
21		X	Unanimous	No motions to recommend changes were approved. Unanimous to direct the City Attorney to issue an opinion if the Board can hear appeals regarding bringing new rental property that has been inspected and found non-compliant into the City's rental registration system based upon an appeal that equal levels of safety could be obtained.
22		X	Unanimous	Code section should remain without change
23		X	Unanimous	Code section should remain without change
24	X		Unanimous	To change the compliance date from 2011 to 2013. To change the number of units from 6 units to 9 units and over for Knox box requirement
25		X	Unanimous	Code section should remain without change, board has no authority to make a change to the State code requirement
26	N/A	N/A	N/A	No Board action is required on this item. The request has been accomplished with recent Council adoption of the 2009 International Codes and revisions to Chapter 5
27	N/A	N/A	N/A	No Board action is required on this item. The request has been accomplished with recent Council adoption of the 2009 International Codes and revisions to Chapter 5
28		X	Unanimous	Code section should remain without change
Non ARA Item			Unanimous	Board voted to support moving from part time inspections staff to adding an additional full time rental inspector and the addition of a ½ time clerical position.