

COUNCIL ACTION FORM

SUBJECT: EGRESS WINDOWS IN BELOW GRADE SPACES IN RENTAL PROPERTIES

BACKGROUND:

At the June 24, 2014 meeting, the City Council discussed Ames *Municipal Code* Chapter 13, Rental Housing Code, and the current requirement to mandate the construction of Code compliant egress windows in below grade habitable spaces. Following discussion, the City Council provided the following direction to City staff:

Directed staff to prepare an amendment to the Ames Municipal Code, Section 13.403(1)(a), to only require below-grade egress windows in sleeping rooms.

The following is Ames *Municipal Code* Section 13.403(1)(a) which currently links habitable space to below grade egress windows. The proposed deletion has a strikethrough and the proposed addition is in bold:

Sec. 13.403(1)(a). INADEQUATE SECOND EXIT CAPABILITY

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

ALTERNATIVES:

1. Approve the attached ordinance on first reading. This modifies the Ames *Municipal Code* Section 13.403(1)(a) by deleting the reference to habitable spaces and adding language requiring egress windows in below grade bedrooms.
2. Retain Ames *Municipal Code* Section 13.403(1)(a) as it is currently written, thereby continuing to require egress windows in below grade habitable spaces.

MANAGER'S RECOMMENDED ACTION:

Below grade habitable space has been challenging to enforce through rental inspections due to the wide variety of basement uses and finishes. Inspectors frequently encounter basements that are not fully finished; yet the tenant has, for example, a television and a couch in the space. In this example, the space falls under the current definition of habitable space and would require a Code compliant egress window. By

changing the Code to require windows only in below grade bedrooms, Council would establish a much clearer code requirement that can be more consistently implemented by landlords and enforced by inspectors.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the attached ordinance modifying Ames *Municipal Code* Section 13.403(1)(a) by deleting the reference to habitable spaces and adding language that requires egress windows in below grade bedrooms.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 13 SECTION 13.403(1)(a) AND ENACTING A NEW SECTION 13.403(1)(a) THEREOF, FOR THE PURPOSE OF ONLY REQUIRING BELOW-GRADE EGRESS WINDOWS IN BEDROOMS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section 13.403(1)(a) as follows:

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

(1) General

...

(a) Inadequate second exit capability.

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

...

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

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

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor