

ORDINANCE NO. 110 (as amended)

RENTAL HOUSING CODE

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110.01 GENERAL PROVISIONS.

1. Title. This chapter shall be known as the "University Heights Rental Housing Code" and will be referred to herein as "this code."
2. Purpose. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all rented or leased residential buildings and structures within this jurisdiction.
3. Scope. The provisions of the chapter shall apply to all dwellings within the jurisdiction of the City, used or intended to be used for human occupancy.

110.02 DEFINITIONS. For the purpose of this code only, certain words and/or terms used herein shall be defined as follows:

1. "Accessory structure" means a detached structure which is not used or intended to be used for living or sleeping by human occupants and which is located on, or partially on, any premises.
2. "Central heating system" means a single system supplying heat to one or more dwelling units or more than one rooming unit.
3. "Dormitory" means a room or group of rooms in a dwelling used for living and sleeping purposes by three (3) or more persons.
4. "Dwelling" means any enclosed space which is rented and is wholly or partly used or intended to be used for living or sleeping by human occupants.
5. "Dwelling unit" means any room or group of rooms located within a dwelling and forming a single habitable unit with

facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation purposes.

6. "Family" means one person or two or more persons related by blood, marriage, adoption, or placement by a governmental or social service agency, occupying a dwelling unit as one housekeeping organization. A family may also be two, but no more than two persons, not related by blood, marriage, or adoption.
7. "Garbage" means the animal and vegetable wastes resulting from the handling, preparation, cooling, serving and non-consumption of food.
8. "Guest" means any person who shares a dwelling in a non-permanent status for not more than fifteen (15) days.
9. "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries and utility rooms totaling less than fifty (50) square feet of floor space, and further excluding foyers, communicating corridors, stairways, closets, storage spaces and areas in unheated or uninsulated parts of structures below ground level or in attics.
10. "Heated water" means water heated at the outlet to a temperature of not less than one hundred twenty degrees (120°) Fahrenheit.
11. "Household" means a family and/or one or more unrelated persons, including servants, who share the same dwelling and use some or all of its cooking and eating facilities.
12. "Inspector" means the housing inspector designated by the City Council.
13. "Kitchen" means any room containing any or all of the following equipment, or any area of a room within three (3) feet of such equipment: a sink and/or other device for dishwashing; a stove or other device for cooking; a refrigerator or other device for cold storage of food; cabinets and/or shelves for storage of equipment and utensils; and a counter or table for food preparation.
14. "Occupant" means any person living, sleeping, cooking or eating in, or actually having possession of, a dwelling, dwelling unit or a rooming unit. In dwelling units a guest is not considered an occupant.
15. "Operator" means any person who has charge, care, control or management of a building, or part thereof, in which dwelling units or rooming units are let.

16. "Ordinary summer conditions" means a temperature ten degrees (10°) Fahrenheit below the highest recorded temperature in the locality for the prior ten (10) year period.
17. "Ordinary winter conditions" means a temperature fifteen (15°) Fahrenheit above the lowest recorded temperature in the locality for the prior ten (10) year period.
18. "Owner" means any person who alone or jointly or severally with others:
 - A. Has legal title to any dwelling or dwelling unit with or without actual possession thereof; or
 - B. Has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this code and of rules and regulations adopted pursuant to this code to the same extent as if said person were the owner.
 - C. Is a Designated Agent as provided in Section 110.22.
19. "Permissible occupancy" means the maximum number of persons permitted to reside in a dwelling unit or rooming unit.
20. "Plumbing" includes all of the following supplied facilities and equipment: gas pipes; gas-burning equipment; water pipes; garbage disposal units; waste pipes; water closets; sinks; installed dishwashers; lavatories; bathtubs; shower baths; installed clothes-washing machines; catch basins; drains; vents and another similar supplied fixtures, and the installation thereof, together with all connections to water, sewer and/or gas lines.
21. "Refuse" means all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.
22. "Refuse container" means an essentially watertight container that is constructed of metal, or some other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions; or such other container approved by the inspector. Openings into refuse containers, such as covers and doors, shall be tight fitting.
23. "Rent" or "Let" means providing a dwelling, dwelling unit, or habitable room to someone other than the owner, regardless of whether rent or other consideration is paid or services rendered or exchanged.

24. "Reside" means that place where a person has established legal residence and physically resides not less than ten (10) months of any applicable calendar year.
25. "Rodent Proofing" means a form of construction which will impede or prevent the ingress or egress of rodents to or from a given space or building, or will prevent rodents from gaining access to food, water or harborage.
26. "Rooming house" means any dwelling or that part of any dwelling containing one or more rooming units and/or one or more dormitory rooms.
27. "Rooming unit" means any room or group of rooms in a dwelling forming a single habitable unit used or intended to be used for living and sleeping purposes, but not for cooking purposes.
28. "Rubbish" means nonputrescible wastes (excluding ashes) consisting of either:
 - A. Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood; or
 - B. Noncombustible wastes such as tin cans, glass and crockery.
29. "Rules and Regulations" means those administrative procedures adopted by the City Council or its designee. All rules and regulations shall be limited to administrative and procedural matters, rather than substantive matters, and shall not be inconsistent with this code.
30. "Service Request" means a proper application for inspection made by an owner, or representative thereof, or a tenant, in writing, dated and signed, setting forth the alleged violation, clearly identifying and indicating the person and premises involved, and during an existing tenancy with sufficient remaining term for remedial procedures under this code. The person making the request shall be available and personally present upon request during such remedial procedures.

Whenever the terms "dwelling," "dwelling unit," "rooming house," "rooming units" and "structure" are used in this code, they shall be construed as though they are followed by the words "or any part thereof."

110.03 CONFLICTS. In cases where the provisions of this code are found to be in conflict with provisions of any zoning, building, fire, safety or health ordinance or code of the City, the provisions which establish the higher standards for the promotion and protection of the health and safety of the people shall prevail. In cases where the

provisions of this code are found to be in conflict with the provisions of any ordinance or code of the City which establish lower standards for the promotion and protection of health and safety, the provisions of this code shall be deemed to prevail, and such ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this code. If any section, provision or part of this code shall be adjudged to be invalid or unconstitutional, this determination shall not affect the validity of this code as a whole or any section, provision or part of this code not determined to be invalid or unconstitutional.

110.04 RENTAL PROPERTY RESTRICTED. No owner or any other person shall rent or let to another person any dwelling unless it and the premises are clean, sanitary and fit for human occupancy as required by this code and applicable State statutes, and unless a certificate of structure compliance and a current rental permit have been issued for the dwelling.

110.05 STRUCTURE COMPLIANCE AND RENTAL PERMIT PROCEDURES.

1. Certificate of structure compliance. The certificate of structure compliance shall be a permanent document (except as noted below) which, when issued, shall satisfy the requirements of Section 110.19. The certificate shall be transferable at the time of a change in ownership and shall remain a part of the University Heights property file as a matter of public record. The certificate, in and of itself, shall not be interpreted as granting the owner or operator the privilege of renting or letting the structure for residential occupancy, but must be accompanied by a valid rental permit. The certificate of structure compliance shall state the date of issuance, type of structure for which the certificate is being issued and address of the structure to which it is applicable. All dwelling units and rooming units being let for rent and occupancy without a valid certificate of structure compliance or application for the same on file with the City and fees paid may be ordered vacated.
2. Application for Certificate of Structure Compliance. The owner or operator shall file, in duplicate, an application for Certificate of Structure Compliance with the City Council or its designee on application forms provided by the inspector.
3. Issuance of Certificate of Structure Compliance. When the provisions of Section 110.19 of this code have been complied with by the owner or operator, the City Council or its designee shall issue a certificate of structure compliance upon payment of a fee, the amount of which shall be set by resolution of the Council.

4. Revocation of Certificate of Structure Compliance. The certificate of structure compliance shall be permanent, except when there has been fraud, collusion, or illegality in the inspection process applicable to this certificate of structure compliance or when there exists a material and substantial noncompliance with Section 110.19 which directly affects the health and/or safety of the occupants therein. The inspector, or any other individual who believes that there exists grounds for revocation, may petition the Council to revoke the certificate of structure compliance. The burden of proof shall be upon the party seeking the revocation. The owner or operator of the affected property shall be properly notified of the date, place and time of the Council's consideration of the petition and may appear and defend. Upon final determination by the Council, a certificate of structure compliance may be modified to reflect the compliance of each dwelling unit and/or rooming unit with Section 110.19 or may be revoked in whole or in part.
5. Rental Permit. A rental permit shall be a document indicating compliance with Sections 110.20 and 110.21 of this code at the time of issuance and shall be valid for a specified period of time, the amount of which shall be set by resolution of the Council. The document shall be transferable from one owner or operator to another at any time prior to its expiration, termination or revocation.
6. Application for Rental Permit. The owner or operator shall file, in duplicate, an application for rental permit with the City Council or its designee on application forms provided by the inspector. The application shall require the owner to list the names of each tenant. In the event tenants move from or into a dwelling during the course of the rental permit, the owner shall provide updated tenant identities to the City. Failure to provide tenant identification or updated identification constitutes a violation of this code and a basis for denying or revoking a rental permit.
7. Issuance of Rental Permit. When all provisions of Sections 110.20 and 110.21 of this code have been complied with by the owner or operator, the City Council or its designee shall issue a rental permit upon payment of a permit fee, the amount of which shall be established by resolution of the Council.
8. Extension of a Rental Permit. Rental permits shall be valid through the expiration date contained thereon. However, extensions shall be granted to cover any time period between the stated expiration date and the deadline set by the inspector to remedy any violations cited subsequent to a maintenance inspection, provided a valid rental permit application is on file with fees paid.

9. Revocation of a Rental Permit. The Council shall consider the revocation of a rental permit if petitioned by the inspector or any other individual who believes that there exists grounds for revocation. The owner or operator of the affected property shall be properly notified of the petition for revocation and shall be notified of the date, place and time of the Council's consideration of the petition and may appear and defend. The Council may revoke a rental permit upon a finding of a violation of or failure to comply with any provision of this code.
10. Hearing When a Certificate of Structure Compliance and/or Rental Permit is Denied. Any person whose application for a certificate of structure compliance or rental permit has been denied may request, and shall be granted, a hearing on the matter before the Council.

110.06 RUBBISH AND GARBAGE DISPOSAL. Every owner of a dwelling shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage pending collection. In the case of a single-family dwelling, it shall be the responsibility of the occupant to furnish such facilities or refuse containers, unless agreed to as the owner's responsibility.

110.07 INSPECTIONS AUTHORIZED.

1. Authority. The inspector is hereby authorized to administer and enforce the provisions of this code and to make inspections to determine the condition of all dwellings, dwelling units, rooming units, structures, and premises rented or let in the City, in order that he/she may perform his/her duty of safeguarding the health, safety, and welfare of the occupants of dwellings and of the general public under the provisions of this code.

The inspector shall, upon proper request, enforce the provisions of this code and is hereby authorized and directed to make inspections pursuant to or in response to a proper service request with regard to an alleged violation of the provisions of this code or of applicable rules or regulations pursuant thereto.

2. Inspections.
 - A. Inspections of Non-Rented Housing. Inspections of non-rented housing shall occur only upon service request to the inspector and only the standards of Sections 110.19, 110.20 and 110.21 shall be applicable.
 - B. Inspections of Structure Items. The provisions of Section 110.19 in effect at the time of issuance of a certificate of structure compliance shall be the only structure standards applicable to a dwelling. Upon the

issuance of a certificate of structure compliance, there shall be no further inspection and enforcement of the structure items under Section 110.19 of this code, except as provided in Section 110.05(4) of this code.

- C. Maintenance Inspections. Inspections of dwellings to determine compliance with the provisions of Sections 110.20 and 110.21 of this code shall be conducted upon request, on a complaint basis, and/or through a program of regular rental inspections which shall be conducted at least every three (3) years.

110.08 TIME FOR INSPECTIONS.

1. The inspector is hereby authorized and directed to request entrance to inspect all dwellings, dwelling units, rooming houses, rooming units and dormitory rooms, and surrounding premises thereof, subject to the provisions of this code, between the hours of eight o'clock (8:00) a.m. and five o'clock (5:00) p.m. for the purposes of determining whether there is compliance with its provisions.
2. The inspector and the owner or occupant of a dwelling, dwelling unit, rooming unit, rooming house or dormitory room, subject to the provisions of this code, may agree to an inspection by appointment at any time.

110.09 COURT ORDER AVAILABLE. If the owner, occupant or other person in charge of a dwelling, dwelling unit, rooming unit, multiple dwelling or rooming house fails or refuses to permit free access and entry to the structure or premises under the person's control, or any part thereof, when an inspection authorized by this code is sought, the inspector, upon a showing that probable cause exists for the inspection and for the issuance of any order directing compliance with the inspection requirements of this code with respect to such dwelling, dwelling unit, rooming unit, multiple dwelling or rooming house, may petition and obtain such order from a court of competent jurisdiction.

110.10 NATURE OF EVIDENCE. The inspector shall keep all evidence which may be discovered or obtained in the course of an inspection made pursuant to this code confidential. Evidence so obtained shall not be disclosed, except as may be necessary in the judgment of the inspector or the City Council for the proper and effective administration and enforcement of the provisions of this code and rules and regulations issued pursuant thereto, and shall not otherwise be admissible in any judicial proceeding without the consent of the owner or occupant of the dwelling unit or rooming unit inspected.

110.11 NOTICE OF VIOLATION. Whenever the inspector determines that any dwelling, dwelling unit or rooming unit, or the premises surrounding the same, fails to meet the requirements set forth in Sections 110.19, 110.20, and/or 110.21 or in applicable rules and regulations issued pursuant hereto, the inspector may issue a notice

setting forth the alleged failures and advising the owner, tenant, occupant, operator or agent thereof that such failures must be corrected. Such notice shall:

1. Be in writing and subsequent to the inspection;
2. Set forth the alleged violations of this code or of the applicable rules and regulations issued pursuant hereto;
3. Describe the dwelling, dwelling unit or rooming unit where the violations are alleged to exist or to have been committed;
4. Provide a reasonable time, considering the nature of the corrective work, in which to accomplish such correction;
5. Be served upon the owner, occupant, operator or agent of the dwelling, dwelling unit or rooming unit personally or by registered mail, return receipt requested, addressed to the last known place of residence of the owner, occupant, operator or agent. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such person or persons by posting a notice in or about the dwelling, dwelling unit or rooming unit described in the notice, or by causing such notice to be published in a newspaper or general circulation once each week for two (2) consecutive weeks.
6. Be served upon the resident agent for the receipt of such service of notice so designated.

110.12 REINSPECTION AUTHORIZED. At the end of the period of time allowed for the correction of any alleged violation, the inspector may reinspect the dwelling, dwelling unit or rooming unit described in the notice.

110.13 ORDER TO COMPLY. If upon reinspection the inspector determines that the alleged violations have not been corrected, the inspector may issue a second notice of violation, which shall constitute an order, requiring that such violations shall be corrected within thirty (30) days.

110.14 FINE FOR NON-COMPLIANCE. If the alleged violations have not been timely corrected pursuant to Section 110.13, the inspector shall have the authority to impose a fine against the owner, tenant, occupant, operator or agent of the dwelling charged with correcting any such violations. The amount of allowable fines shall be set by resolution of the Council.

110.15 RECONSIDERATION.

1. Any person aggrieved by a notice, order or fine issued pursuant to this code may apply for a reconsideration of

such notice, order or fine within thirty (30) days after it has been issued.

2. The inspector shall set a time and place for an informal conference on the matter within ten (10) days of the receipt of such application, and shall advise the applicant in writing of such time and place.
3. At the informal conference, the applicant shall be permitted to present to the inspector the grounds for believing that the notice, order or fine should be revoked or modified.
4. Within ten (10) days following the close of the informal conference, the inspector shall advise the applicant whether or not the notice, order or fine will be modified or set aside.

110.16 APPEAL TO COUNCIL.

1. Any person aggrieved by a notice, order or fine issuance pursuant to this code, or after an informal conference on reconsideration as specified in Section 110.15, may file a petition with the Council setting forth the reasons for contesting such notice, order or fine. Such petition shall be filed within thirty (30) days after the results of the informal conference on reconsideration.
2. Upon receipt of such a petition, the Council shall grant the hearing requested and shall advise the petitioner in writing of the date, time and place of the hearing within thirty (30) days of the day on which the petition was received. The hearing shall occur within sixty (60) days of the date of petition therefor, and written notice thereof shall be given to the petitioner not more than thirty (30) days or less than ten (10) days prior thereto. At the hearing, the petitioner shall be given an opportunity to show cause why the notice, order or fine should be modified or withdrawn or why the period of time permitted for compliance therewith should be extended.
3. The Council shall have the power to affirm, modify or revoke the notice, order or fine and may grant an extension of time for the performance of any act required pursuant thereto.

110.17 VARIANCES. The Council may grant variances from the provisions of this code or from applicable rules and regulations issued pursuant hereto when it finds that there is practical difficulty or unnecessary hardship connected with the performance of any act required pursuant to this code, that strict adherence to such provisions would be arbitrary in the case at hand, that extension would not provide an appropriate remedy in the case at hand, and that such variance is in harmony with the general purposes of this code.

110.18 JUDICIAL REVIEW. Any person who has sought and who claims to be aggrieved by the final decision of the Council may obtain judicial review by filing a petition in a court of competent jurisdiction within sixty (60) days of the announcement of such decision praying that the decision be set aside in whole or in part. A copy of each petition so filed shall be forthwith transmitted to the Council, which shall file in court a record of the proceedings upon which it based its decision. Upon the filing of such record, the court shall affirm, modify, or vacate, in whole or in part, the decision. The findings of the Council with respect to questions of fact shall be sustained if supported by substantial evidence in the record, considered as a whole.

110.19 STRUCTURE COMPLIANCE STANDARDS.

1. The structure must be located in a zoning district which allows the use proposed for the structure.
2. Every supplied piece of equipment, facility, or required utility shall be installed so that it will function safely.
3. Kitchens. Every dwelling unit shall have a room or portion thereof with adequate circulation area in which food may be prepared and/or cooked, and shall be equipped with the following:
 - A. A kitchen sink in good working condition and properly connected to approved water supply and sanitary sewer disposal systems.
 - B. A stove or similar device, if supplied, for cooking food, and a refrigerator or similar device, if supplied, for the safe storage of food at temperatures less than fifty degrees (50°) Fahrenheit but more than thirty-two degrees (32°) Fahrenheit under ordinary maximum summer conditions shall be properly installed with all necessary connections for safe, sanitary and efficient operation. When the occupant is to provide a stove, refrigerator or similar devices upon occupancy, sufficient space and adequate connections shall be provided for the safe and efficient installation and operation thereof.
4. Bathroom.
 - A. Within every dwelling unit there shall be a nonhabitable room which affords privacy to a person within such room and which is equipped with a flush water closet and a bathtub or shower in good working condition and properly connected to approved water supply and sanitary sewer disposal systems.
 - B. Within every dwelling unit there shall be a lavatory sink in good working condition and properly connected

to approved water supply and sanitary sewer disposal systems.

5. Each fixture required by Section 110.19 (3 and 4) must be properly connected with water heating facilities. The water must be provided at not less than one hundred twenty (120°) degrees Fahrenheit.
6. Every dwelling unit shall have means of egress as required by the Uniform Building Code.
 - A. Properly sized egress windows provided, where required.
 - B. Exit signs provided, where required.
 - C. Exit lights provided, where required.
 - D. Stairs and platforms (within the units and in the common areas).
 - (1) Width (minimum).
 - (2) Tread (minimum).
 - (3) Riser (maximum).
 - (4) Handrails - provided at proper height (range).
 - (5) Guardrail - spacing (maximum).
 - E. Doors.
 - (1) Width (minimum).
 - (2) Self-closing apparatus provided, where required.
 - (3) Fire ratings.
 - (4) Swing in direction of exit, where required.
 - (5) Proper hardware provided.
 - a. Openable without unlatching, where required.
 - b. Panic hardware, where required.
 - (6) Doors and windows lockable
7. Light and ventilation.
 - A. Every habitable room shall have at least one window or skylight facing outdoors. The minimum total window or skylight area shall be at least eight percent (8%) of the floor area of each room for purposes of providing natural light.
 - B. Every habitable room shall have at least one window or skylight facing outdoors which can be opened easily for purposes of ventilation.
 - C. Bathrooms shall comply with the requirements of subparagraph B unless an approved mechanical ventilating system is provided.

- D. Every window or skylight shall be supplied with screens of not less than sixteen (16) mesh per inch.
8. Heating and Mechanical Requirements.
- A. Every dwelling shall have heating facilities which are properly installed and capable of safely and adequately heating all habitable rooms, bathrooms to an average temperature throughout of at least sixty-eight degrees Fahrenheit (68°) at a distance of thirty-six (36) inches above the floor level under ordinary winter conditions.
 - B. Each dwelling unit shall have control of the heating facilities by use of a thermostat located within the dwelling unit.
 - C. The water heating device shall be equipped with an approved pressure-temperature relief valve.
9. Electrical Requirements.
- A. Ground-fault circuit-interrupter protection is required for all receptacles in bathrooms.
 - B. Ground-fault circuit-interrupter protection is required for all receptacles within six (6) feet of a kitchen sink.
 - C. Ground-fault circuit-interrupter protection is required for all receptacles located outdoors.
 - D. Ground-fault circuit-interrupter protection is required for all receptacles in unfinished basements.
 - E. Every habitable room, bathroom, laundry room, furnace room, basement and cellar shall contain at least one supplied ceiling or wall-type electric light fixture or switched outlet. Every such fixture and outlet shall be properly installed.
 - F. Every habitable room shall contain electric outlets as prescribed by the National Electric Code in force at the time the building permit for the structure was issued. Two (2) separate double convenience outlets shall be provided at a minimum in each habitable room. Every such outlet shall be properly installed.
 - G. The electrical system must be properly grounded and bonded.
 - H. The circuit breaker panel and/or fuse box must be readily accessible.

10. Space, density, use and location requirements.

- A. The maximum occupancy of any dwelling unit shall not exceed the following requirements: for the first occupant, one hundred fifty (150) square feet of floor space and at least one hundred (100) square feet of floor space for each additional occupant. The floor space of each unit is equivalent to the total habitable room area.
- B. The ceiling height of any habitable room shall be at least seven (7) feet; provided however, that in any habitable room under a sloping ceiling, at least one-half of the floor area shall have a ceiling height of at least seven (7) feet. The floor area of that part of such a room where the ceiling height is less than five (5) feet shall not be considered when computing the total floor area of the room for the purpose of determining the maximum permissible occupancy.
- C. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes shall contain at least seventy (70) square feet of floor space for the first two (2) or less occupants, and at least fifty (50) square feet of additional floor space for each additional occupant thereof. A maximum occupant load shall be assigned based on subsections "A" and "C" of this section.
- D. No space located partially or totally below grade shall be used as a habitable room of a dwelling unit unless it complies with Section 110.19(7) and the following:
 - (1) The floor and walls are of reasonably waterproof and reasonably damp-proof construction.
 - (2) The space has egress windows or doors as required by Section 110.19(6) of this chapter.
 - (3) Pipes, ducts or other obstructions less than six feet six inches (6'6") above the floor level which interfere with the normal use of the floor area shall not obstruct more than twenty percent (20%) of such floor area.
- E. No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangement be such that access to a sleeping room can be had only by going through another sleeping room. A bathroom or water closet

compartment shall not be used as the only passageway to any habitable room, hall, basement or cellar or to the exterior of the dwelling unit.

- F. Every dwelling unit shall have at least four (4) square feet of floor-to-ceiling height closet space for the personal effects of each permissible occupant. If such space is lacking, in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space in determining permissible occupancy.

11. Exterior Requirements.

- A. Gas, electric and other meters shall be permanently labeled with the address of the dwelling or dwelling unit served.

- B. Off Street Parking.

- (1) The number and size of the spaces shall meet the requirements of the Zoning Ordinance in effect at the time of building permit issuance.

- (2) The spaces and drives and aisles serving these spaces shall be hard-surfaced; however, any dwelling with gravel-covered off-street parking on the effective date of this code is hereby exempt from this requirement so long as the parking areas are continuously maintained as gravel-covered.

- (3) The spaces shall be well-marked.

- 12. Each dwelling and dwelling unit must be configured in such a way as to comply with the occupancy restrictions of the zoning ordinance.

110.20 OWNER RESPONSIBILITIES.

- 1. Every owner of a dwelling unit must confirm, in writing when applying for a rental permit, that the intended occupancy complies with the zoning ordinance.
- 2. Every owner of a dwelling shall comply with the occupancy restrictions of the zoning ordinance applicable to that dwelling.
- 3. Every owner of a dwelling containing two (2) or more dwelling units shall maintain the shared or public areas of such dwelling and premises thereof in a clean and sanitary condition, unless agreed to as the occupant's responsibility.

4. Every foundation, roof and exterior wall, door, skylight and window shall be reasonably watertight, weather-tight, and shall be kept in sound condition and good repair. Floors, interior walls and ceilings shall be sound and in good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment. Toxic paint and materials shall not be used where readily accessible to children. Every premises shall be graded, drained and maintained in a clean, sanitary and safe condition.
5. Every window, exterior door and hatchway or similar device shall be reasonably watertight and weather-tight, and shall be kept in working condition and in good repair.
 - A. During that portion of the year when there is a need for protection against mosquitoes, flies and other flying insects, every door opening directly from a dwelling unit to outside space shall have properly fitted screens supplied. Every operative window or other device which opens to outdoor space required to be used for ventilation shall be supplied with screens, except such screens shall not be required when air conditioning supplies ventilation.
 - B. Every window located at or near ground level intended to be used for ventilation and every other opening located at or near ground level which might provide entry for rodents, shall be supplied with adequate screens or such other devices as will effectively prevent their entrance.
6. Accessory structures present or provided by the owner or agent shall be either structurally sound and maintained in good repair with reasonable control of insects or rodents, or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of paint or other preservatives.
7. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, porch, handrail, guardrail and appurtenances thereto shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and they shall be kept in sound condition and good repair.
8. Sidewalks must be in good repair such that: no cracks three-quarters of an inch (3/4") or wider exist, no two or more adjacent parts of the sidewalk have three-quarters of an inch (3/4") or more difference in elevation, no sidewalk has more than one quarter of an inch per foot (1/4"/1') side slope.

9. The street address numbers shall be visible on the outside of each building and the unit numbers shall be placed on or directly adjacent to each dwelling unit entry door.
10. Garbage facilities. Dwellings shall comply with University Heights Ordinance Nos. 93, 94, and 95.
11. Off-Street Parking.
 - A. The spaces shall be well marked.
 - B. Only hard-surfaced spaces, drives and aisles shall be used for the parking and maneuvering of vehicles; however, any dwelling with gravel-covered off-street parking spaces and/or drives on the effective date of this code is hereby exempt from this requirement so long as the parking areas are continuously maintained as gravel-covered.
12. Means of egress.
 - A. Exit signs, when required by the Uniform Building Code, operational.
 - B. Exit lights, when required by the Uniform Building Code, operational.
 - C. Accessible exterior doors and windows lockable and secure.
 - D. Self-closing doors, when required by the Uniform Building Code, functional.
13. Fire Protection Equipment.
 - A. A 2A:10BC fire extinguisher shall be provided in each unit and located per Appendix F (Section of Extinguishers for Home Hazards) of the current Uniform Fire Code Standards. Fire extinguishers must be fully charged.
 - B. Smoke detectors shall be provided as required by the Uniform Building Code edition which was in force at the time a building permit was issued for the structure. However, at a minimum, one smoke detector will be provided in each unit and located in the bedroom hallway. Smoke detectors must be operational.
 - C. Fire alarm systems, when required by the Uniform Building Code, must be installed and operational. Activation of the system or an annual certificate from a qualified, third-part testing agency stating the

system is operational are the two options of proving the system will function as designed.

- D. Sprinkler systems, when required by the Uniform Building Code, must be installed and operational. An annual certificate from a qualified, third-party testing agency shall be provided to the inspector.
14. Electrical System. The electrical system of every dwelling or accessory structure shall not, by reason of overloading, dilapidation, lack of insulation, improper fusing, or for any other cause; expose the occupants to hazards of electrical shock or fire, and every electrical outlet, switch and fixture shall be complete as manufactured and maintained in good and safe condition. All electrical wiring newly installed or replaced shall be in compliance with the National Electrical Code.
 15. Plumbing System. Every supplied plumbing fixture, water piping, and waste piping shall be maintained in good and sanitary condition. All plumbing shall comply with the University Heights Plumbing Code and ordinances concerning plumbing. All plumbing newly installed or replaced shall be in compliance with the Uniform Plumbing Code. A minimum water pressure of fifteen (15) pounds shall be maintained to all open outlets at all times.
 16. Gas Piping and Appliances. All gas piping shall be properly installed, properly supported, and shall be maintained free of leaks, corrosion or obstruction so as to reduce gas pressure or volume. Every gas appliance shall be connected to a gas line with solid metal piping or approved listed metal appliance connector preceded by an approved listed shutoff valve. Gas pressure shall be adequate to permit proper flow of gas from all open gas valves at all times. All gas piping shall be in compliance with the Uniform Plumbing Code.
 17. Heating and Cooling Equipment. The heating equipment of each dwelling shall be maintained in good and safe working condition and shall be capable of heating all habitable rooms, bathrooms and toilet rooms located therein to sixty-eight (68°) degrees at thirty-six (36) inches above the floor. Supplied cooling equipment shall be maintained in a good and safe working condition.
 18. The temperature pressure relief valve of all hot water heaters shall be maintained in good and safe working condition.
 19. The dwelling unit shall not be occupied by a number of persons greater than allowed by Section 110.19(10) of this chapter. Further, no room shall be used as a habitable room

unless certified as a habitable room at the time the certificate of structure compliance is issued.

20. Pest and Rodent Control.

A. Whenever infestation exists in two (2) or more dwelling units or rooming units of any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units or more than one rooming unit, the extermination thereof shall be the responsibility of the owner.

B. In addition, whenever an infestation of any dwelling is caused by the failure of the owner or operator to maintain the dwelling in a reasonable rodent-proof or insect-proof condition, extermination shall be the responsibility of the owner.

C. No owner of a dwelling shall accumulate or permit the accumulation of eatables, rubbish, boxes, lumber, scrap metal or any other materials in such manner that may provide for rodent harborage in or about the shared or public areas of such dwelling or its premises.

21. Every facility, utility and piece of equipment required by this code and/or present in the unit and/or designated for the exclusive use by the occupants of said unit, at the time that either the rental agreement is signed or possession is given, shall function safely and shall be maintained in proper working condition. Maintenance of facilities, utilities and equipment not required by this code shall be the owner's responsibility unless stated to the contrary in the rental agreement.

No supplied facility shall be removed, shut off or disconnected from any occupied dwelling unit or rooming unit except for such temporary interruption(s) as may be necessary while actual repairs, replacements or alterations are being made.

110.21 TENANT RESPONSIBILITIES.

1. Every occupant of a dwelling must comply with the occupancy restrictions of the zoning ordinance.

2. Every occupant of a dwelling shall maintain such part or parts of the dwelling and premises thereof which said occupant occupies and controls in a clean and sanitary condition.

3. Every occupant of a dwelling shall keep all supplied fixtures, appliances and facilities therein in a clean, sanitary and operable condition and shall be responsible for the exercise of reasonable care in the proper use and

operation thereof, unless there is an agreement to the contrary.

4. Accessory structures provided by the tenant occupying a dwelling shall be either structurally sound and maintained in good repair with reasonable control of insects and rodents, or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of paint or other preservatives.
5. Fire Safety Items.
 - A. Smoke detectors must be provided with batteries so that the detectors operate properly when tested.
 - B. Fire extinguishers shall be maintained in good working condition at all times and shall be properly mounted.
6. Electrical Maintenance.
 - A. Light fixtures must be provided with properly sized, operational light bulbs.
 - B. Electrical panels must be accessible.
 - C. Only one (1) UL rated extension cord with a built-in circuit breaker is allowed per outlet. No other extension cords are permitted. Improper extension cords will be removed from use by the inspector.
 - D. Only grounded outlet adapters (15 amp) permanently secured are allowed. All other types will be removed from use by the inspector.
7. No combustible material shall be stored within three (3) feet of a fuel-burning furnace and/or fuel-burning water heater.
8. The dwelling unit shall not be occupied by a number of persons greater than allowed by Section 110.19(10) of this chapter. Further, no room shall be used as a habitable room unless certified as a habitable room at the time the certificate of structure compliance is issued.
9. Pests and Rodent Control.
 - A. Every occupant of a dwelling shall dispose of or store all refuse, rubbish and any other organic substance that might provide food for insects or rodents in a clean, sanitary and safe manner. Acceptable refuse containers shall be used for storage pending collection.

- B. Every occupant of a dwelling shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises.
 - C. Every occupant of a dwelling containing more than one dwelling unit or rooming unit shall be responsible for such extermination within the unit occupied by them whenever said unit is the only one infested.
 - D. Whenever the infestation is caused by failure of the owner to maintain a dwelling in a reasonably rodent-proof or insect-proof condition, extermination shall be the responsibility of the owner.
 - E. No occupant of a dwelling shall accumulate rubbish, boxes, lumber, scrap metal or any other materials in such a manner that may provide for rodent harborage in or about the dwelling.
10. Every occupant of a dwelling unit shall keep all supplied fixtures there in a clean and sanitary condition and shall be responsible for the exercise of reasonable care, proper use and proper operation thereof.

110.22 DESIGNATION AND REGISTRATION OF AGENT. The owner of any property dwelling unit, rooming house, or rooming unit not residing in Johnson County, Iowa shall designate and register with the City Clerk a designated agent located in the county who is empowered to represent the property owner in matters concerning compliance with this code. Failure to register a designated agent is a violation of this code.

110.23 LEASE TO BE PRODUCED UPON REQUEST. Every owner shall produce a copy of any written lease concerning the dwelling at the request of the inspector or the University Heights City Clerk. The lease shall be delivered to the requesting party within seven calendar days of the date the request is made.

110.24 ENFORCEMENT AND PENALTIES. In addition to the Notice of Violation procedure set forth Sections 110.11-110.18, any violation of this code may be cited as a municipal infraction. In addition to the inspector, the University Heights City Clerk is authorized to enforce this code and may issue a civil citation to anyone who violates any section or provision of this code. A violation of this code is punishable by a civil penalty of \$250.00 for a first offense and a civil penalty of \$500.00 for a repeat offense.

110.25 EFFECTIVE DATE. This code shall be in full force and effect upon its passage and publication as provided by law.

Adopted by the University Heights Council this 11th day of April, 2000, and approved this 11th day of April, 2000.

s/Gloria N. Jacobson

Mayor
ATTEST:

s/Patricia Birk
City Clerk

** The signed original ordinance is on file with the University Heights City Attorney.

Ordinance No. 149 amending was passed and approved May 10, 2005 and published in the Iowa City Press-Citizen on May 14, 2005. The amendment changes Section 110.02 subsection 23 by deleting the text "in exchange for payment of money for rendering of services" and adds the text "to someone other than the owner, regardless of whether rent or other consideration is paid or services rendered or exchanged.

Ordinance No. 157 was passed and approved on May 8, 2007, and published in the Iowa City Press-Citizen on the 12th day of May, 2007. Ordinance No. 157 added a new subsection 18 (C) to the definition of "Owner" Section 110.02. Ordinance No. 157 also made typographical changes to Section 110.03. Ordinance No. 157 added the last three sentences to Section 110.05 subsection 6. Ordinance No. 157 also added the text "or failure to comply with [any provision] of this code, and deleted the text "Sections 110.20 or 110.21" to Section 110.05 subsection 9. Ordinance No. 157 adds the text "Sections 110.19, 110.20, and/or 110.21" and changes "shall" to "may" to Section 110.11. Ordinance No. 157 adds Section 110.22, 110.23 and 110.24. The previous Section 110.22 has been renumbered to Section 110.25.

Steve/UH/Ordinances/Ordinance 110 Amended by 157