

**ORDINANCE NO. 110 (as amended)**

**RENTAL HOUSING CODE**

110.01	General Provisions	110.06	Rubbish and Garbage Disposal
110.02	Definitions	110.07	Inspections Authorized
110.03	Conflicts	110.08	Time for Inspections
110.04	Rental Property Restricted	110.09	Court Order Available
110.04A	Limitation Rental Permits In the R-1 Zone	110.19	Structure Compliance Standards
110.04B	Rental Permits of Limited Maximum Duration	110.20	Owner Responsibilities
110.04C	Rental Permits During Transition Period	110.21	Tenant Responsibilities
110.05	Structure Compliance and Rental Permit Procedures	110.22	Designation and Registration of Agent
110.05A	Rent Abatement	110.23	Lease to be Produced Upon Request
		110.24	Enforcement and Penalties
		110.25	Effective Date

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. [RESERVED.]
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 lives in or stays at a dwelling for not more than thirty (30) days so long as: (1) no rent, monetary charge, or other consideration is paid or services are rendered or exchanged by or on behalf of the guest for the dwelling; and (2) at least one owner is present and living in the dwelling during the time the guest is there.
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.
- 18A. "Owner Occupied" means either: (a) a dwelling occupied by the owner; or (b) a dwelling occupied by the owner and any of the following, but no one else: the owner's spouse; the children of the owner; and/or the children of the owner's spouse. For purposes of this definition of "owner occupied", the word "owner" includes only owners who are

natural persons, and not those that are legal entities; provided, however, that for properties owned in trust, the word "owner" means any trust beneficiary who is entitled to occupy the property, but only if such beneficiary is a natural person.

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 or a guest, regardless of whether rent or other consideration is paid or services rendered or exchanged.
- 23A. "Rental Permit Term" means August 1 to the following July 31.
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 a dwelling occupied by four (4) or more students enrolled in post-secondary education but does not include a dwelling occupied by a parent or guardian of at least one of the students.
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 or entity 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 City ordinances, and unless a certificate of structure compliance and a current rental permit have been issued by the City for the dwelling. Dwellings may not be rented for a term of less than 30 consecutive days.

110.04A LIMITATION ON THE NUMBER OF RENTAL PERMITS IN THE R-1 ZONE. The maximum number of rental permits that the City will issue in the R-1 Single-Family Residential Zone, as defined by the City's zoning ordinance, is equal to twenty percent (20%) of all dwellings in the R-1 Zone. For purposes of illustration, if the number of dwellings in the R-1 Zone were 366, then the maximum number of rental permits that the City will issue would be 73. No later than May 1 of each year, the inspector shall determine the number of dwellings and the number of permits that may be issued for the upcoming rental permit term.

1. At the time of enactment of this Section, the number of rental permits that have been issued in the R-1 Zone exceeds twenty percent (20%) of all dwellings in that zone.
2. To balance the interests of owners who presently have rental permits and the intent to limit the maximum number of rental permits in the R-1 Single-Family Residential Zone, the City establishes the following conditions for renewal of permits issued and existing in the R-1 Zone as of March 1, 2018:
  - A. An owner or operator holding a rental permit as of March 1, 2018, has no vested right to have that permit renewed.
  - B. An owner or operator holding a rental permit as of March 1, 2018, or a successor in interest to the

ownership of the property that is the subject of such rental permit to whom or to which the certificate of structure compliance and the rental permit has been transferred, will not be denied renewal of the permit for that property based solely upon the limitation on the maximum number of rental permits so long as the permit and the property are in good standing and in compliance with the all other provisions of this code; provided, however, that if the property comprises more than one dwelling unit, this exception shall apply only to the dwelling unit or dwelling units for which a rental permit existed as of March 1, 2018. Notwithstanding this exception, the permit may not be renewed if any of the following circumstances appear:

1. The owner or operator fails to submit a rental permit application on time with all required information and with all required fees and charges;
2. The permit is or has been subject to reduced-term status or has been suspended or revoked during the current rental permit term pursuant to Section 110.05;
3. Payment of rent has been abated during the term of the permit as provided in Section 110.05A of this code.
4. The dwelling that is the subject of the rental permit constitutes a rooming house.
5. The owner or operator fails to comply with this code or other City ordinances.
6. The dwelling that is the subject of the rental permit becomes owner-occupied.
7. Occupancy of the dwelling or property violates the City's zoning ordinance requirement that all persons occupying must do so as an individual housekeeping unit (unless the property continues as a pre-existing nonconforming duplex that has operated continuously since January 20, 1982).

8. The owner or operator rents or lets another dwelling in the City without a valid rental permit.
9. The owner or operator holds a rental permit for another dwelling in the City and the conditions enumerated in subsections 2, 3, 4, or 7 of this subsection apply to the other dwelling.

110.04B RENTAL PERMITS OF LIMITED MAXIMUM DURATION. Notwithstanding the limitations on rental permits in the R-1 Single-Family Residential Zone established by Section 110.04A, rental permits of limited maximum duration may be issued for dwellings in the R-1 Zone in certain circumstances as set forth in this Section.

1. A rental permit may issue if the following is established to the satisfaction of the inspector:
  - A. The owner submits a certificate for structure compliance application and a rental permit application as required by this code.
  - B. The dwelling meets the regulations and requirements of this code.
  - C. The property has been owner-occupied for at least two (2) years immediately preceding the rental permit application.
  - D. The owner seeks the rental permit based upon one or more of the following conditions:
    1. The owner or the owner's spouse will be leaving the City for a sabbatical or similar professional or administrative leave for at least one (1) year, after which the person on leave expects to return to the property.
    2. The owner or the owner's spouse will be leaving the City for military service for at least six (6) months, after which the person serving expects to return to the property.
    3. The owner or the owner's spouse will be leaving the City because of a job transfer or relocation



for at least one (1) year, after which the person transferred expects to return to the property.

4. One or more of the owners has passed away, and the administration of the deceased owner's estate or winding up of that owner's affairs is or will be delayed such that efficient use and protection of the property warrants a rental permit and the application is made by the executor or administrator of that owner's estate or other legally authorized representative of that owner.
  5. Such other, similar conditions exist that, in the discretion of and approval by the inspector or the City Council, warrant like treatment.
2. An owner seeking a rental permit pursuant to this Section shall submit a letter of explanation describing the circumstances that support the request and demonstrating compliance with this Section, together with a certificate of structure compliance application and a rental permit application. The letter and applications shall contain as much supporting documentation as the owner reasonably has available. The owner shall provide such additional information and/or documentation as the inspector reasonably requests.
  3. If the owner is dissatisfied with the inspector's decision not to issue a certificate of structure compliance or a rental permit pursuant to this Section, the owner may appeal the decision to the City Council.
  4. Any rental permit issued pursuant to this Section, shall be subject to all requirements, rules, restrictions, and regulations of this code.
  5. Any rental permit issued pursuant to this Section may be renewed if the conditions giving rise to the permit continue, but such renewal(s) will not extend past two years from July 31 next succeeding issuance of the permit. For example, if the permit was issued October 1, 2018, it could not be renewed past July 31, 2021.
  6. Any rental permit issued or renewed pursuant to this Section will terminate on July 31 next succeeding the sale or transfer of the property. For example, if the property

was sold or transferred October 1, 2018, the permit would expire July 31, 2019.

7. Any rental permit issued or renewed pursuant to this Section will not make the holder of the permit or the property eligible for a regular rental permit as an exception to the limitations on rental permits in the R-1 Single-Family Residential Zone established by Section 110.04A.

110.04C RENTAL PERMITS DURING TRANSITION PERIOD. Notwithstanding the limitations on rental permits in the R-1 Single-Family Residential Zone established by Section 110.04A, and to provide for a transition period after those limitations take effect, rental permits of limited maximum duration may be issued for a limited time for dwellings in the R-1 Zone in certain circumstances as set forth in this Section.

1. A rental permit may issue if the following is established to the satisfaction of the inspector:
  - A. The owner submits a certificate for structure compliance application and a rental permit application as required by this code no later than May 1, 2020 (approximately two years after the effective date of the limitations on rental permits).
  - B. The dwelling meets the regulations and requirements of this code.
  - C. The property has been owner-occupied for at least two (2) years immediately preceding the rental permit application.
2. Any rental permit issued pursuant to this Section, shall be subject to all requirements, rules, restrictions, and regulations of this code.
3. Any rental permit issued pursuant to this Section may be renewed, but such renewal(s) will not extend past two years from July 31 next succeeding issuance of the permit. For example, if the permit was issued October 1, 2018, it could not be renewed past July 31, 2021.
4. Any rental permit issued or renewed pursuant to this Section will terminate on July 31 next succeeding the sale or transfer of the property. For example, if the property

was sold or transferred October 1, 2018, the permit would expire July 31, 2019.

5. Any rental permit issued or renewed pursuant to this Section will not make the holder of the permit or the property eligible for a regular rental permit as an exception to the limitations on rental permits in the R-1 Single-Family Residential Zone established by Section 110.04A.

#### 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. The document shall be transferable from one owner or operator to another at any time prior to its expiration, termination or revocation. Fees for such a permit shall not be discounted, adjusted, or prorated regardless of whether a permit is issued before the start or during the course of the rental permit term. Fees for such a permit shall not be rebated or returned, in whole or in part, regardless of whether the permit is surrendered, discontinued, suspended, or revoked during the course of the rental permit term.
6. Application for Rental Permit. The owner or operator shall file, in duplicate, a verified application for rental permit with the City Clerk on application forms provided by the City Clerk. The application shall require the owner to provide the following information:
  - A. Name and age of each tenant and whether each such tenant is enrolled in post-secondary education.
  - B. The basis for the owner or operator's verification of each tenant's information.
  - C. A diagram, drawing, or other depiction of how the property that is the subject of the rental permit meets the requirements of Section 110.19(11) concerning parking, including the minimum size of

parking spaces, the minimum number of parking spaces, the location and configuration of parking spaces, and the composition/construction of parking spaces (permanent dust-free material).

- D. The square footage of each room occupied or intended to be occupied for sleeping purposes.
- E. The total square footage of all bedrooms in the dwelling that is the subject of the permit and the total square footage of all dwelling floor space.
- F. Unless the owner(s) are natural persons, the identity of all shareholders, unit holders, partners, or other owners equitable interests of the entity constituting the owner.
- G. Whether maintenance and upkeep duties, including mowing grass, raking leaves, picking up after University of Iowa Hawkeye home football game days, and removing snow and ice from sidewalks, interior walkways, and driveways, are the responsibility of the owner or the tenant.

In the event tenants move from or into a dwelling during the course of the rental permit term, the owner shall provide updated tenant identities, ages, and post-secondary enrollment status to the City within 21 days of the new tenant's occupancy. Failure to provide the information required by this subsection, including updated tenant information, 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 may issue a rental permit upon payment of permit fees, the amounts of which shall be established by resolution of the City Council. A rental permit may not be issued for property in the R-1 Zone if the number of existing rental permits already issued by the City in that Zone exceeds twenty percent (20%) of all dwellings in that Zone, in accordance with and subject to the limitations in Section 110.04A of this code, unless an exception exists as provided in Section 110.04A or Section 110.04B of this code.

8. Duration of Rental Permits. Rental permits shall be valid through the expiration date contained thereon.
9. [Reserved.]
10. Rental Permit Prohibited. No rental permit shall be issued for any property or dwelling in any of the following circumstances:
  - A. The property includes a "Rooming House" in the R-1 Single-Family Residential Zone or in the PUD Planned Unit Development Zone.
  - B. The number of existing rental permits already issued by the City in the R-1 Single-Family Residential Zone exceeds twenty percent (20%) of all dwellings in that Zone, in accordance with and subject to the limitations in Section 110.04A of this code, unless an exception exists as provided in Section 110.04A or Section 110.04B of this code.
  - C. The Board of Adjustment has granted one or more exceptions for the property regarding the minimum area (square footage) requirements for bedrooms as set forth in the City of University Heights Building Code.
  - D. The square footage of bedrooms in the dwelling(s) at the property constitute more than thirty-five percent (35%) of floor space for the dwelling and either or both of the following circumstances exist:
    1. The rental permit sought is an initial or a new rental permit (not a renewal of an existing rental permit); and/or
    2. Bedrooms have been added to the dwelling(s) at the property since the last time a rental permit was issued for the property.
  - E. The proposed occupancy of the dwelling that is the subject of the rental permit does not constitute the renting or letting of the dwelling. (Rental permits will be issued only for uses that constitute rental uses under this code; an owner may not receive a rental permit unless the proposed occupancy of the property requires one.)

11. Required Procedures Prior To Commencement Of Rental Permit Sanctions:

A. Following a violation that serves as a basis for rental permit sanctions as set forth in this Section, written notice shall be given by the City to the owner of the premises at which the violation occurred or to the owner's designated agent. The notice is to be sent by regular mail to the respective address on the rental permit application.

B. Following a second violation that serves as a basis for rental permit sanctions as set forth in this Section within a twelve (12) month period, the City shall schedule a code compliance settlement meeting involving owners, designated agents, tenants, and others whose corrective action is considered necessary by the City to abate and avoid further code violations. The City shall be represented at the meeting by the inspector and may be represented by other City staff members. Notice of the meeting is to be sent by regular mail to the respective address on the rental permit application within ten (10) working days of the City providing notice to the owner or owner's agent as required above.

1. The goal of the code compliance settlement meeting will be to obtain a code compliance settlement agreement in which relevant parties, including the owner or owner's designated agent and the tenant(s), agree to take corrective action to abate and avoid further code violations.

2. The owner, owner's designated agent, and/or tenant is in violation of this Section if the owner, agent and/or tenant:

A. Fails to attend a code compliance settlement meeting.

B. Fails or refuses to sign a code compliance settlement agreement within forty-eight (48) hours of receiving the proposed agreement from the City.

- C. Subsequently fails or refuses to comply with any conditions or requirements set forth in a code compliance settlement agreement.
- 3. Violation of this Section authorizes the City to impose rental permit sanctions. The City in its discretion may consider, without limitation, the following factors:
    - A. Level of cooperation of the parties in attempting to resolve issues.
    - B. Level of disturbance associated with the violations.
    - C. Impact of violations upon neighbors or other victims.
    - D. Degree to which parties have taken reasonable steps to try and resolve problems.
    - E. History of City and state code violations.
  - 4. Violation of this Section authorizes the City to issue municipal infraction citations to any tenant whose corrective action is considered necessary by the City to abate and avoid further code violations, or who fails to attend, refuses to sign or subsequently fails or refuses to comply with conditions or requirements set forth in a code compliance settlement agreement.
12. Defenses To An Enforcement Action Of The Provisions Of This Section. It shall be a defense to an enforcement action pursuant to the provisions of this Section if an owner or owner's designated agent has done any of the following:
- A. Reported the violation to law enforcement;
  - B. Evicted or attempted to evict by commencing and pursuing with due diligence all legal remedies to evict those tenants charged with one of the specified violations. It is not the intention of this Section to apply to tenants who have not been charged with one of the specified violations;



- C. Undertaken and pursued with due diligence, reasonable means to avoid a recurrence of code violations on the premises by the present and future tenants or occupants of the premises; or
- D. Executed a property management action plan.

The defenses set forth in this Section shall not be available to any person who fails to attend a code compliance settlement meeting.

13. Rental Permit Sanctions. Sanctions may be applied to an individual dwelling unit, the entire rental dwelling, or the premises containing a dwelling unit or rental dwelling. Each separate violation shall count as a basis for a rental permit sanction unless the owner qualifies for a defense to enforcement under subsection 12 of this Section. The following sanctions may be imposed upon a rental permit:

- A. Reduced-term rental permit (6-month rental permit); and/or
- B. Suspension of rental permit; and/or
- C. Revocation of rental permit.

14. Reduced-Term Rental Permits: The inspector may issue a reduced-term rental permit with conditions for any of the following reasons:

A. The owner, any occupant, and/or any of their guests on two (2) or more separate occasions within a twelve (12) month period of time have been issued notices and/or complaints for violations of the following provisions of City ordinances, the Iowa Code, or the United States Code (as presently existing or hereafter amended, modified, or renumbered), and the conduct leading to the issuance of the notice or complaint occurred on the premises of a rental property:

- 1. Iowa Code chapter 124, sections 401 and 403 (controlled substance).
- 2. Iowa Code chapter 708, sections 708.1 (assault), 708.3 (assault while participating in a felony),

- 708.4 (willful injury), 708.6 (terrorism), 708.11 (stalking).
3. Iowa Code chapter 724, sections 724.3 (unauthorized possession of offensive weapons), 724.16 (trafficking in stolen weapons), 724.30 (reckless use of a firearm).
  4. Iowa Code chapter 123, sections 123.46 (consumption or intoxication in public places), 123.47 (possession of alcohol under legal age).
  5. Iowa Code chapter 716, sections 716.3 (criminal mischief in the first degree), 716.4 (criminal mischief in the second degree), 716.5 (criminal mischief in the third degree), 716.6 (criminal mischief in the fourth degree), 716.6A (criminal mischief in violation of individual rights), 716.7 (trespass).
  6. Iowa Code chapter 719, section 719.1 (interference with official acts).
  7. Iowa Code chapter 723, sections 723.1 (riot), 723.4 (disorderly conduct).
  8. Title 13, United States Code, sections 841, 842, 843, 844, 846, 856, and 861 (controlled substances).
  9. Ordinance No. 140, Public Intoxication.
  10. Ordinance No. 108, Possession Under Legal Age.
  11. Ordinance No. 159, Restricting Noise.
  12. Ordinance No. 89, Disorderly Conduct.
  13. Ordinance No. 109, Disorderly House.
  14. Ordinance 81, Unlawful Sales.
  15. Any other Section or provision of this code.
- B. The owner, any occupant, and/or any of their guests on three (3) or more separate occasions within a period of twelve (12) months have been issued municipal

citations or written notices of violations for the following provisions of City ordinances (as presently existing or hereafter amended, modified, or renumbered), and the conduct leading to the issuance of each citation and/or notice occurred on the premises of a rental property:

1. This Rental Housing Code, Ordinance No. 110.
  2. The Zoning Ordinance, Ordinance No. 79.
  3. Nuisance, Ordinance No. 118.
  4. Failure to Remove Snow or Ice, Ordinance No. 82.
  5. Any other Section or provision of this code.
- C. On two (2) or more separate occasions within a twelve (12) month period of time, there is a founded complaint against a tenant. "Founded complaint" means the issuance of a municipal infraction or simple misdemeanor citation against a tenant or the existence of evidence sufficient to issue a criminal complaint for Disorderly House (Ordinance No. 109) had a police officer been able to identify a tenant who was present.
- D. Commercial parking occurs at the property in violation of Section 110.19(11)(B)(3) of this code.

The reduced-term rental permit will be a six-month rental permit required to be renewed semi-annually. This sanction shall be in effect for a period of not less than four (4) years and annual licensing inspections and fees are required for each semi-annual renewal. The inspector may require any of the following with the issuance of a reduced-term rental permit: compliance with Iowa Code and/or City ordinances; submittal of a copy of the current lease agreement; payment of all City fees; payment of all court costs and fines; execution of a property management action plan; provision of a property management performance guarantee; and any other information the City deems necessary for enforcement of any provision of City ordinances or the Iowa Code.

Renewal of a reduced-term rental permit shall be subject to the limitations on rental permits in the R-1 Single-Family Residential Zone established by Section 110.04A.

15. Basis For Suspension Of Rental Permit. The inspector may suspend a rental permit for any of the following reasons:
  - A. Failure to comply with the conditions of the reduced-term rental permit.
  - B. Failure to comply with a court decision concerning the violation of any provision of Section 110.20 of this code.
  - C. Adjudication by the court that the owner, owner's designated agent, or persons acting on behalf of the owner has: 1) violated the maximum occupancy provisions of this code; 2) illegally used or allowed the illegal use of non-habitable or non-occupiable space; 3) illegally converted space to habitable use; or 4) rented or let a dwelling or property without a rental permit.
  - D. Failure to comply with an order to abate a dangerous building.
  - E. Failure to comply with any emergency order or placarding of a structure.
  - F. Additional violations by the tenants or owner of City ordinances, the Iowa Code, or the United States Code (as presently existing or hereafter amended, modified, or renumbered) occurring within one year of the conditions imposed pursuant to the reduced-term rental permit.
  - G. Failure to pay a judgment entered against the owner or to cure a violation as ordered by the court against the owner in a municipal infraction or simple misdemeanor prosecution for an ordinance violation on the property or on any other rental property owned by the owner. The rental permit may be reinstated upon payment of the judgment or abatement of the violation.
  - H. Violation of any other Section or provision of this code.

A rental permit shall be suspended for no more than one hundred eighty (180) days beginning from the date of the inspector's decision or a court ruling on a municipal infraction or simple misdemeanor prosecution and no later than at the end of the current lease period unless a property management plan is executed.

16. Bases For Revocation Of Rental Permit. The inspector may revoke a rental permit for any of the following reasons:
  - A. Failure to comply with an order to abate a dangerous building.
  - B. Failure to comply with an emergency order or placarding of a structure.
  - C. Failure to comply with suspension of rental permit.
  - D. More than one basis for rental permit suspension within two (2) years of the reinstated permit previously having been suspended.
  - E. A conviction of the owner or the owner's designated agent for making false statements on a rental permit application or any other form submitted to the City.
  - F. Violation of any other Section or provision of this code.

A rental permit shall be revoked for not less than one year beginning from the date of the inspector's decision or a court ruling on a municipal infraction.

17. Reinstatement Of Rental Permit:
  - A. Suspended Permit: A suspended permit may be reinstated upon completion of the suspension period and execution of a property management action plan.
  - B. Revoked Permit: An application for a new permit may be made after one year from the date revocation was effective. The application shall be processed in the same manner as an initial rental permit application, and requires execution of a property management action plan.

- C. Transfer Of Ownership: Transfer of ownership does not modify or alter any sanction imposed unless approved by the City or unless the transfer is an arm's length transaction between disinterested parties as determined by the City.
  - D. Reinstatement of a rental permit after suspension or revocation shall be subject to the limitations on rental permits in the R-1 Single-Family Residential Zone established by Section 110.04A.
18. Exemption: Notwithstanding any other provision in this Section, the rental permit sanctions are inapplicable to victims of abuse or crime as provided in Iowa Code section 562A.27B.
19. Hearing Upon Denial Of Certificate Or Permit. 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 Board of Adjustment. Application for the appeal hearing must be made within ten (10) calendar days of receipt of the written notice of denial.

110.05A RENT ABATEMENT.

- 1. The inspector may order rent abated when the inspector determines that the owner or the owner's designated agent has, after issuance of a notice of violation of this code, done any of the following:
  - A. Failed to provide an essential service (water, sewer, electricity, heat);
  - B. Failed to remedy a condition that poses a substantial risk to the health or safety of the tenant; or
  - C. Rented a dwelling unit without a rental permit.
- 2. Rent abatement means that the owner, the owner's designate agent, and/or anyone else on behalf of the owner may not recover or receive rent from the tenant. Rent shall be abated until the condition for which rent abatement was ordered has, in the judgment of the inspector, been remedied. Rent abated for a particular time may not be collected for that time regardless of whether the condition for which rent abatement was ordered has been remedied.

3. The inspector shall provide a copy of the rent abatement order to the owner at the address on the rental permit application and to the tenant by U.S. mail and by posting at the entrance door to dwelling unit. Notice of termination of the rent abatement order will be given in the same manner.

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. If a property contains more than one dwelling unit, the inspector is authorized to inspect the entire property, even if a rental permit does not apply to all dwelling units.

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 a basis 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 for inspection from a court of competent jurisdiction.

110.10-110.18 [Reserved.]

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 fewer occupants, and at least fifty (50) square feet of additional floor space for each additional occupant thereof; provided, however, that after [the effective date of Ordinance No. 219], for properties for which an initial or a new rental permit is sought (not a renewal of an existing rental permit), every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes shall contain at least one hundred (100) square feet of floor space for the first two (2) or fewer 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 - R-1 Zone and PUD Planned Unit Development Zone.

- (1) One (1) off street parking space shall be required at properties with rental permits for each resident over 18 years of age. No more than two (2) parking spaces (whether required or not) may be configured such that they are "double stacked" (meaning they are located immediately behind another parking space and block access to and from that other space).
  - (2) The size of all parking spaces at properties with rental permits shall meet the requirements of the Zoning Ordinance in effect at the time of the application for rental permit or renewal of such permit.
  - (3) After July 1, 2018, no commercial parking is permitted at properties with rental permits. "Commercial Parking" means parking by anyone who is not a resident at the property in exchange for consideration of any sort. Commercial parking is permitted on any day on which The University of Iowa plays football games in Kinnick Stadium.
  - (4) All parking spaces at properties with rental permits shall be constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free material suitable for off-street parking of motor vehicles.
  - (5) These requirements and restrictions apply to properties with rental permits in the R-1 Zone and in the PUD Planned Unit Development Zone.
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. Every owner of a dwelling unit must comply with the regulations of Section 110.19(11)(B) concerning off-street parking.
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 sanctions authorized by Section 110.05, 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 any 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 Section 110.02(23) Definitions was passed and approved May 10, 2005 and published in the Iowa City Press-Citizen on May 14, 2005. The amendment deletes 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 12<sup>th</sup> 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.

Ordinance No. 218 was passed and approved December 12, 2017, and published in the Iowa City Press-Citizen on the 9<sup>th</sup> day of January, 2018. Ordinance No. 218 delineated circumstances where rental permits are prohibited in Section 110.05(10); renumbered the following Section to 110.05(11); provided in amended Section 110.19(10)(C) that bedrooms must be a minimum of 100 square feet for properties seeking a new rental permit; modified parking specifications in Section 110.19(11)(B); and deleted Section 110.19(12), which referenced occupancy restrictions in the zoning ordinance.

Ordinance No. 223 was passed and approved April 23, 2018, and published in the Iowa City Press-Citizen on the 27<sup>th</sup> day of April, 2018. Ordinance No. 223 added Sections 110.04A, 110.04B, 110.04C, and 110.05A. Ordinance No. 223 deleted the definition of "Family" in Section 110.02(6); added the definition of "Owner Occupied" in Section 110.02(18A); added the definition of "Rental Permit Term" in Section 110.02(23A); and added the definition of "Rooming House" in Section 110.02(26). Ordinance 223 amended Section 110.05 by adding provisions to subsection (5) that fees shall not be discounted or returned; by adding subsections (A) through (G) to subsection (6) and by adding the requirement that the owner shall provide updated tenant identities, ages, and post-secondary enrollment status to the City within 21 days of a new tenant's occupancy; by providing in

subsection (7) that a rental permit may not be issued for property in the R-1 Zone if the number of existing rental permits already issued by the City in that Zone exceeds twenty percent; by changing the name of subsection (8) from "Extension of a Rental Permit" to "Duration of Rental Permits" and eliminating language that allowed an extension of a rental permit to be granted by the City inspector; by deleting subsection (9) and marking it as "Reserved"; and by amending subsection (10)(B) to provide a permit shall not be issued if the existing rental permits in the R-1 Zone exceeds twenty percent of all dwellings in that Zone in accordance with Section 110.04A. Ordinance 223 amended Section 110.05 by adding subsections (10)(E) and (11) through (19) and by deleting prior subsection (11) that provided a hearing when a certificate of structure compliance or rental permit is denied. Ordinance 223 added one sentence to Section 110.07 that provides if a property has more than one dwelling unit then the City inspector is authorized to inspect the entire property, even if a rental permit does not apply to all units in the dwelling. Ordinance 223 amended Section 100.09 by changing the phrase "probable cause" to "a basis". Ordinance 223 eliminated Sections 110.10 through 110.18 and marked them as "Reserved". Ordinance 223 amended Section 110.19 by adding subsection (3) that prohibits commercial parking at properties with rental permits in the R-1 Zone and PUD Planned Unit Development Zone except on game days at Kinnick Stadium and by renumbering prior subsections (3) and (4) to (4) and (5). Ordinance 223 eliminated Section 110.20(11)(A) and Section 110.20(11)(B) and provided that all owners of a dwelling must comply with the regulations of Section 110.19(11)(B) concerning off-street parking. Ordinance 223 amended Section 110.24 by deleting "Notice of Violation procedure set forth Sections 110.11-110.18" and inserted "sanctions authorized by Section 110.05" in its place.

Ordinance No. 233 was passed and approved November 12, 2018, and published in the Iowa City Press-Citizen on December 20, 2018. Ordinance 233 amended Section 110.02(8) definition of "guest" by striking "shares" and replacing with "lives or stays at a dwelling...for not more than...30 days" provided that no monetary or other services are exchanges for the dwelling and at least one owner of the dwelling is also living in the dwelling. 110.02(23) was modified to include "or a guest". Section 110.04 was modified by adding: "Dwellings may not be rented for a term of less than 30 consecutive days".

Steve/UH/Ordinances/Ordinance 110 Amended by 149, 157, 218, 223, 233