

ORDINANCE NO. 245

AN ORDINANCE AMENDING ORDINANCE NO. 110
(RENTAL HOUSING CODE)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, JOHNSON COUNTY, IOWA:

Part I: AMENDMENTS:

University Heights Ordinance No. 110 is amended as follows (with additions indicated by underline; deletions indicated by ~~strike-through~~; omissions by "****"):

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	110.19	Structure Compliance
	In the R-1 Zone		Standards
110.04B	Rental Permits of Limited	110.20	Owner Responsibilities
	Maximum Duration	110.21	Tenant Responsibilities
110.04C	Rental Permits During	110.22	Designation and Registration
	Transition Period		of Agent
110.05	Structure Compliance and	110.23	Lease to be Produced Upon
	Rental Permit Procedures		Request
110.05A	Rent Abatement	110.24	Enforcement and Penalties
		110.25	Effective Date

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

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.

~~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 these 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, site plan, or other depiction that shows the following: of how the property that is the subject of the rental permit meets the requirements of
:
 1. Location and description/lable of the intended use of each room in the dwelling;

2. Total number of bedrooms and the square footage of each bedroom, total shared living space, and overall finished floor space of the dwelling;
3. Square footage of rear yard open space for new rental permits submitted after February 12, 2020);
4. Location of smoke detectors and carbon monoxide alarms;

~~Section 110.19(11)~~ 4. Required concerning parking spaces, including the minimum size of parking spaces, the minimum number of conforming parking spaces, the location and configuration of conforming parking spaces, and the composition/construction of conforming parking spaces (permanent dust-free material); and

5. The location of any radon mitigation system.

The diagram/site plan required by this subsection may be informal so long as they provide the required information: dimensions, measurements, square footages, and locations of specific items. Technical drawings or similar representations are not required.

- D. Results from any radon tests conducted in the dwelling.

~~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.~~

~~FE.~~ 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.

~~GF.~~ 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. ~~RESERVED. 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 constitutes more than thirty-five percent (35%) of the 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 square footage of the rear yard of the property does not include at least five hundred (500) square feet of open space with at least one linear dimension of the open space measuring at least 20 (twenty) feet. By way of illustration, open space must be a minimum of twenty (20) feet by twenty-five (25) feet. "Open space" as used in this subsection means unoccupied and unobstructed by any structure, and free of parking spaces, driveways, and any other impervious surface (including but not limited to asphaltic cement concrete, Portland cement concrete, manufactured paving materials (such as bricks), or similar permanent, dust-free materials). The provisions of this subsection apply to all applications for new rental permits filed on or after January 1, 2020.

EF. 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:

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:

~~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:

16. Bases For Revocation Of Rental Permit. The inspector may revoke a rental permit for any of the following reasons:

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.~~

110.06 REFUSE, RUBBISH AND GARBAGE RECYCLING, AND YARD WASTE 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~~ refuse and recyclable materials pending collection. In the case of a single-family dwelling, it shall be the responsibility of the ~~occupant-owner~~ owner to furnish such facilities or ~~refuse containers~~, unless agreed to in writing as the owner's-occupant's responsibility.

1. Containers for refuse and recyclable materials shall not be placed more than 12 hours in advance of the regularly

scheduled collection day and shall be removed by the end of the collection day.

2. The storage of containers for refuse and recyclable materials, as well as yard waste, compost material or any other similar materials shall not be permitted in areas visible from the street in front of the dwelling.
3. Owners and occupants shall comply with Ordinance No. 239, as presently existing or hereafter renumbered or amended, with respect to collection and disposal of refuse, yard waste, and recyclable materials. In the event of any conflict, the provisions of this Rental Housing Code control.

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, dimensional, 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}~~ January 9, 2018, 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.

G. Every dwelling unit shall have a minimum of one hundred (100) square feet of shared living space for every bedroom within a dwelling unit. By way of illustration, for a two-bedroom single-family dwelling, there must be at least two hundred (200) square feet of shared living space within the dwelling. Rental permits issued prior

to January 1, 2020 for any dwellings that are not in compliance with this provision may continue and may be renewed notwithstanding their noncompliance. However, if and when the dwelling's shared living space is brought into compliance with the current minimum dimensional requirements, it may not be converted back to a substandard size. Any change that would increase the noncompliance with this provision is not allowed.

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~~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) Parking of motor vehicles, including motorcycles and mopeds, is not permitted on sidewalks or interior walkways located on or adjacent to properties with rental permits in the R-1 Zone and in the PUD Planned Unit Development Zone.

(56) These requirements and restrictions apply to properties with rental permits in the R-1 Zone and in the PUD Planned Unit Development Zone.

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~~ Refuse facilities. Dwellings shall comply with University Heights Ordinance Nos. ~~93, 94, and 95~~ 239.
 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 and Carbon Monoxide 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 on each floor level, including basements, in each bedroom, and in each unit hallway serving bedrooms and located in the bedroom hallway. Smoke detectors must be installed in accordance with the manufacturer's instructions and must be operational. Smoke detectors must be interconnected (hardwired or wireless).
 - 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-party 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.
 - E. Carbon monoxide alarms shall be provided in each hallway serving bedrooms.
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.

22. All dwelling units in the R-1 Zone and PUD Planned Unit Development Zone shall be tested for radon. The provisions of this Section apply to all applications for new rental permits filed on or after January 1, 2020 and all renewals of rental permits filed on or after August 1, 2020.
- A. The radon test must be performed by a Radon Measurement Specialist certified by the State of Iowa. Any radon mitigation system must be installed by a Radon Mitigation Specialist certified by the State of Iowa.
 - B. If the radon test result is less than 4 picoCuries per liter (pCi/L), the dwelling unit shall be retested in eight (8) years unless there is a habitable bedroom in the basement. If the test result is less than 4 picoCuries per liter (pCi/L) and there is a habitable room in the basement, the dwelling unit shall be retested in four (4) years.
 - C. If the test result is equal to or greater than four (4) picoCuries per liter (pCi/L), a radon mitigation system

shall be installed and the dwelling unit retested within ninety (90) days, unless the Inspector or designee provides an extension in writing for good cause. After the radon mitigation system is installed, the unit shall be retested every eight (8) years thereafter.

D. If the dwelling unit has an existing radon mitigation system on July 1, 2020, the dwelling unit shall be tested within eight (8) years of the date the last radon test was performed.

E. Notwithstanding any other provision herein, a prior radon test will be accepted if the radon test was performed within two (2) years of the filing of the application for a new rental permit or within two (2) years of the expiration of an expired rental permit. The dwelling unit shall be retested within eight (8) years of the date that the prior radon test was performed.

F. Any radon mitigation system in any dwelling unit shall function safely and shall be maintained in proper working condition. No such mitigation system shall be removed from a dwelling unit or shut off or disconnected, except temporarily for repairs, replacements, alterations, or as otherwise allowed by the inspector.

G. The owner shall provide a copy of all radon test results to the City

Part II: SAVING CLAUSE.

In the event any word, phrase, sentence, paragraph or section contained in this ordinance shall be held to be invalid, unlawful, or unconstitutional for any reason, then it is hereby declared that the remaining such portions and provisions of this ordinance would have been enacted and remain in full force and effect.

Part III: EFFECTIVE DATE.

This ordinance shall become effective upon its passage and publication as provided by law.

Part IV: REPEALER.

Ordinance No. 244, extending a moratorium on issuance of new rental permits, is hereby rescinded and repealed. All other ordinances

and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted by the University Heights City Council this 17th day of February, 2020, and approved this 17th day of February, 2020.

Louise A. From
Louise A. From, Mayor

(SEAL)

ATTEST:

Christine M. Anderson
Christine M. Anderson, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 17th day of February, 2020, before me, a notary public in and for the state of Iowa, personally appeared Louise A. From and Christine M. Anderson, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the city; and that said instrument was signed and sealed on behalf of the city, and that Louise A. From and Christine M. Anderson acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the city, by it and by them voluntarily executed.

[Signature]
Notary Public in and for the
State of Iowa



STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Christine M. Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the 21st day of FEBRUARY, 2020.

Christine M. Anderson
Christine M. Anderson, City Clerk

Signed and sworn to before me on the 24th day of FEBRUARY, 2020, by Christine M. Anderson, Clerk of the City of University Heights.

[Signature]
Notary Public in and for the
State of Iowa

