

ORDINANCE 1910

AN ORDINANCE AMENDING CHAPTER 177 PROPERTY MAINTENANCE AND HOUSING CODE, OF THE MUNICIPAL CODE OF THE CITY OF ANKENY, IOWA, BY ADOPTING THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE WITH AMENDMENTS

WHEREAS, the City Council of the City of Ankeny, Iowa desires to continue to protect life, safety and property through the adoption and enforcement of construction codes, and to establish the minimum requirements to safeguard the public health, safety and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, to ensure that rental housing facilities and conditions are of sufficient quality to protect and promote the health, safety and welfare of those persons utilizing such housing, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations;

WHEREAS, the Council now deems it appropriate to revise the Municipal Code by adopting the latest edition of the International Code Council Property Maintenance Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANKENY, IOWA:

1. That Chapter 177 of the Municipal Code of the City of Ankeny, Iowa, the Housing Code Regulations be repealed and there be enacted in lieu thereof the following Chapter;

CHAPTER 177 PROPERTY MAINTENANCE & HOUSING CODE

Section Number	Title	IPMC Section
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177.01 SHORT TITLE. This chapter shall be known as the Ankeny Property Maintenance and Housing Code, and may be cited as such, and may be referred to herein as this chapter

177.02 ADOPTION OF PROPERTY MAINTENANCE CODE. The International Property Maintenance Code 2015 Edition; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the International Property Maintenance Code 2015 Edition, as adopted and a copy of this chapter are on file in the office of the Code Official.

177.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The International Property Maintenance Code, 2015 Edition (hereinafter known as the IPMC), is amended as hereinafter set out in Sections 177.04 through 177.21.

177.04 DELETIONS. The following are deleted from the IPMC and are of no force or effect in this chapter:

Section - 111 Means of Appeal

177.05 REFERENCED CODES - - CONFLICTS. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

177.06 SECTION 101.1 AMENDED - - TITLE. Section 101.1, Title, of the IPMC is hereby deleted and there is enacted in lieu thereof the following section:

Section 101.1 Title. These regulations shall be known as the Ankeny Property Maintenance and Housing Code, hereinafter known as “this code.”

177.07 SECTION 102.3 AMENDED - - APPLICATION OF OTHER CODES. Section 102.3 Application of other codes, of the IPMC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 102.3 Application of other codes Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions, as applicable, of the Ankeny Building Code, Ankeny Residential Code, Ankeny Mechanical Code, Ankeny Fuel Gas Code, Ankeny Plumbing Code, Ankeny Fire Code, the Ankeny Electrical Code and the Ankeny Zoning Code.

177.08 SECTION 102.11 ADDITION - - HOUSING CODE. Section 102.11, Housing Code is hereby established by adding the following sections:

102.11.1 Housing Code. In addition to provisions of the Property Maintenance Code of the City of Ankeny, this section shall be hereafter known as the Ankeny Housing Code and may be cited as such and will be referred to as such in this section.

102.11.2 Scope. The provisions of this section shall be deemed to apply to all rental dwellings or portions thereof used or designed or intended to be used for human habitation. All occupancies in existing buildings may be continued as provided in previously adopted Building Code(s) except such structures as are found to be substandard as defined in this code. Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings.

Every roominghouse or lodginghouse shall comply with all of the requirements of this code applicable to dwellings.

Exceptions: The provisions of this article do not apply to:

1. Building, structures and uses owned, licensed and operated by any governmental unit or government agency;
2. Single family dwellings occupied by the owner, or members of that owner's immediate family. Such members are defined as spouse, child, parent, step-parent, stepchild, father-in-law, mother-in-law, brother, sister, daughter-in-law, son-in-law, grandchild, and grandparent;
3. Transient shelters and group homes subject to state inspection;
4. Residential structures in which ownership passed to a governmental unit;
5. Where a nonresidential business or activity or a state-licensed or state-approved use occupies a portion of a building and the building contains premises which would otherwise be subject to this article shall be and remain applicable to the residential and common or public areas of such building and premises'
6. A duplex, at least one of the units of which is occupied by the owner and the other unit is occupied by a member of that owner's immediate family.

Rentals of thirty one days or less. No dwelling unit or any portion thereof as defined in this section shall be rented for a period of thirty one (31) days or less unless the dwelling unit is owner occupied, with the owner on site and present at the time of and for the duration of the rental. All dwelling units or portions thereof rented for a period of thirty one (31) days or less shall be subject to the requirements of this chapter, Iowa Code 423A, subject to the exemptions provided therein, and any requirements imposed by the Iowa department of inspections and appeals.

102.11.3 Definitions.

Rental dwelling: A rental dwelling is any house, mobile home or building or portion thereof which is occupied in whole or in part as a home or residence of one or more human beings, either permanently or transiently, none of whom are record titleholder. No part of a building hereafter constructed as or altered into a dwelling may be occupied in whole or in part for human habitation until the issuance of a certificate by the Code Official that such part of the dwelling conforms to requirements relative to dwellings hereafter erected. The certificate shall be issued within fourteen days after written application therefore if the dwelling at the date of such application shall be entitled thereto. Such certificate shall hereafter be known as an occupancy certificate.

Owner: For purposes of this section, shall mean any person who has an interest of record, including any titleholder, contract purchaser, tenant under a recorded lease or any executor, administrator, trustee, conservator of other fiduciary, mortgagee or other lien holder and any holder of an unrecorded interest of which the City has actual knowledge.

Record Titleholder: Any person holding title of record by deed, contract of sale, or judicial determination. The term 'record titleholder' shall also include the official representative of a bona fide religious organization which is titleholder.

102.11.4 Housing inspector. The city council may designate, by resolution, the Building and Zoning Administrator and his or her representatives or designees as housing inspectors, or, the city council may, by resolution, approve certain qualified firms or persons who by training or experience are familiar with the provisions of this code to perform inspections of rental dwelling units in the city, to insure their compliance with this code. The inspectors appointed under the

provisions of this section shall be charged with the responsibility of performing inspections of rental dwelling units in the city only, but shall not be charged with the duty of enforcing the provisions of this chapter. The Code Official shall be responsible for the enforcement of this chapter and may also make any inspections required under the provisions of this chapter.

102.11.5 Regular inspections. Regular inspections of rental dwelling units shall be required every three years in the case of multiple-family dwellings and every five years in the case of unattached single-family rental units and duplexes.

102.11.5.1 Regulation and inspection of mobile homes. Mobile homes shall be regulated and inspected in accordance with the following classifications:

1. The class of mobile homes denoted as manufactured homes, as defined in 42 USC 5402(6), shall bear a data plate, serial number and certification label as required by Manufactured Home Construction and Safety Standards, Department of Housing and Urban Development (1985) sections 3280.5, 3280.6 and 3280.8, or shall meet the requirements of section 3280.7.;
2. Mobile homes manufactured from March 1973 through May 1976 shall bear the seal of the state;
3. Mobile homes manufactured prior to March 1973 shall be inspected for general conformity with the Manufactured Home Construction and Safety Standards cited in this section as such standards govern fire safety, plumbing, mechanical and electrical systems and general construction;
4. All other mobile homes not included in the classifications in sections (1) through (3) of this section shall be inspected for general conformity with the Manufactured Home Construction and Safety Standards cited in this section as such standards govern fire safety, plumbing, mechanical and electrical systems and general construction;
5. A mobile home showing no evidence of modification and generally well-maintained as set forth in this article, shall be issued an inspection certificate in the same manner as any other dwelling unit subject to this article.

102.11.6 Application for a certificate. Every person, firm or corporation that offers for rent a dwelling or portion(s) thereof within the city shall submit to the Planning & Building Department, on forms provided, an application requesting an inspection certificate. Such application shall be accompanied by an inspection and application fee in an amount established by council resolution. Upon receipt of such application, the city shall cause an inspection of the premises and if the same comply with the provisions of this chapter, the City shall issue an inspection certificate. If the premises fail to comply, the housing inspector shall notify the applicant in writing, stating the reasons for such noncompliance.

102.11.7 Additional inspections. In addition to the inspections required under Section 102.11.4, the city inspector or inspectors are also empowered to make similar inspections of all rental units as frequently as may be necessary and may make inspection at any reasonable time on a written complaint submitted by the owner, tenant or other person concerned; the city will make special provisions in the case of elderly and handicapped persons in order to insure that their housing facilities are adequate.

102.11.8 Inspection fees for additional inspections. When an inspection is made at the request of the owner, an inspection fee as provided in Section 102.11.6 shall be charged. If an inspection is made at the written request of a tenant and the dwelling is found to be in noncompliance, due to an omission of the owner, such owner shall be responsible for the re-inspection fee. No inspection shall be conducted at the request of a tenant unless the tenant has first submitted his/her complaint, in writing, to the landlord, no less than ninety-six hours before making such complaint to the city. If, after a written complaint by the tenant, the dwelling is found to comply, or if such

noncompliance is due to conduct on the part of the tenant, the tenant shall be liable for the cost of such inspection. If such costs are not paid by the tenant within thirty days from date of billing, the city may initiate an action in law or in equity to recover the same, in which event the tenant shall be liable for reasonable attorney fees. No fee shall be charged to the owner for such inspection. In the event an inspection is initiated by the city or at the request of a person other than the owner or tenant, and if the building is found to be in noncompliance, the owner shall be liable for such inspection fees. In the event that on the date of the inspection the building complies with the provisions of the housing code, no fee shall be charged. In the event that on the date of inspection a dwelling fails to comply with the provisions of the housing code, which necessitates additional inspections, the owner shall be liable for the cost of such re-inspections. All fees required under this chapter shall be paid prior to the issuance or renewal of the inspection certificate.

102.11.9 Entrance and survey of buildings. The building inspector and all inspectors and employees of the building department and such other persons as may be authorized by the city council may, without fee, except as provided in Section 102.11.8, enter, examine, make necessary records and survey all rental dwellings within the city. If entry into the interior portion of a dwelling unit is required, twenty-four hours' notice to the tenant shall be given by the city. The owner or his agent or representative and the lessee and occupant of every rental dwelling and every person having the care and management of the same shall, at all reasonable times when required by such officers or persons, give them free access to such rental dwellings and premises. The owner of a rental dwelling, and his agents and employees, shall have right of access to such dwellings at reasonable times for the purpose of bringing about compliance with the provisions of this chapter or any order issued thereunder.

102.11.10 Inspection certificate required. ~~From and after the first day of January, 1983, n~~ No person shall rent, lease, let, operate, or otherwise allow the occupancy of any dwelling unless such person holds a valid inspection certificate as is required by this chapter.

102.11.11 Reinspection. The inspection certificate issued under this chapter shall expire in three years after the original date of its issuance in the case of multiple-family dwellings, and in the case of single-family unattached dwellings and duplexes, it shall expire five years from the original date of its issuance, unless sooner revoked or suspended. The owner shall cause the housing inspector to inspect each such dwelling within sixty days prior to the expiration date of the certificate so that the Code Official may determine whether or not a new certificate shall be issued.

102.11.12 Issuance duration validation. If the dwelling and premises are found to comply with the requirements of this chapter, upon reinspection, the housing inspector shall issue a temporary inspection certificate. This certificate shall be valid for a period of thirty days from the date of inspection. It shall be presented to the Planning & Building Department within that period of time and, upon payment of the appropriate fees, the Code Official shall validate it.

102.11.13 Certificate displayed--Transferability. Inspection certificates shall be transferable to succeeding owners. They shall be displayed by the owner for the tenant to examine before the dwelling may be rented, leased or otherwise occupied.

102.11.14 Notice on sale of dwelling. Every person holding an inspection certificate under this chapter shall give notice in writing to the Code Official within ninety-six hours after having sold, transferred, conveyed or otherwise disposed of his ownership, interest in or control of any dwelling. This notice shall include the name and address of the person succeeding to the ownership or control thereof.

102.11.15 Violation. A violation of any provision of this chapter is a municipal infraction punishable by a civil penalty as set forth in Chapter 4 of the Ankeny Municipal Code of Ordinances.

102.11.16 Action to enjoin. In case any dwelling, building or structure is constructed, altered, converted or maintained in violation of any provisions of this chapter or of any order or notice of the Code Official, or in case a nuisance exists in any such dwelling, building or structure or upon the lot on which it is situated, the Code Official may institute any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation, nuisance, to prevent the occupation of the dwelling, building or structure, or to prevent any illegal act, conduct business in or about such dwelling or lot.

102.11.17 Injunction. In any such action or proceeding, the Code Official may by a petition duly verified setting forth the facts apply to the district court for an order granting the relief for which the action or proceeding is brought, or for an order enjoining any persons from doing or permitting to be done any work in or upon such dwelling, building, structure or lot, or from occupying or using the same for any purpose until the entry of final judgment or order.

102.11.18 Authority to execute. In case any notice or order issued by such Code Official is not complied with, the Code Official may apply to the district court for an order authorizing him to execute and carry out the provisions of the notice or order, to correct any violation specified in the notice or order or to abate any nuisance in or about dwelling.

102.11.19 Eviction--Lease termination. If the occupant of a dwelling fails to comply with the provisions of this chapter after due and proper notice from the Code Official or from the owner, such failure to comply shall be deemed sufficient cause for the eviction of such occupant by the owner and for cancellation of his lease.

102.11.20 Duties of occupant. It is unlawful for any tenant to deliberately or recklessly destroy, deface, damage or remove a part of the premises or to knowingly permit any other person to do so, or to remove, without permission of the landlord, any furniture or other items of personal property belonging to the land, or to cause damage resulting in noncompliance with the codes as adopted by the City of Ankeny.

102.11.21 Name and address of agent filed. Every owner, agent or lessee of a dwelling may file with the Planning & Building Department a notice containing the name and address of an agent of such dwelling, for the purpose of receiving service of all notices required by this chapter and also a description of the property by street number or otherwise as the case may be, in such manner as will enable the Planning & Building Department easily to find the same. The name of the owner or lessee may be filed as agent for such purpose.

102.11.22 Notice of actions. In any action brought by the Code Official in relation to a dwelling or injunction, vacation of the premises or abatement of nuisance, or to establish a lien thereon, or to recover a civil penalty, service of notice shall be in the manner provided by law for the service of original notices.

102.11.23 Rent collections. Rent shall not be recoverable by the owner or lessee of any dwelling unit which does not comply with the provisions of this chapter for any period of occupancy which commences on or after the date that the city gives notice to the owner and tenant of the provisions of this section. Rent shall not thereupon be recoverable by the owner of such dwelling unit until

the city gives written notice to the owner and occupant that such dwelling unit has been issued a valid inspection certificate as required by this chapter.

177.09 SECTION 103.1 ADDITION - - GENERAL. Section 103.1, General, of the IPMC, is hereby amended by adding the following paragraph to said section:

Section 103.1 Building and Zoning Administrator The term Code Official is intended to also mean the Building and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official.

177.10 SECTION 103.5 AMENDED - - FEES. Section 103.5, Fees, of the IPMC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 103.5 Schedule of permit fees Permits and rental housing certificates shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Ankeny. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

The permit fees shall be based upon the valuation of the proposed construction and shall be computed from tables set by resolution of the City Council, rental housing certificate fees shall be as established by resolution of the City Council.

177.11 SECTION 103.6 ADDITION - - WORK COMMENCING BEFORE PERMIT ISSUANCE. Section 103.6, Work commencing before permit issuance, of the IPMC, is hereby established by adding the following section:

Section 103.6 Work commencing before permit issuance Any person who commences any work under the provisions of this ordinance before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

177.12 SECTION 103.7 ADDITION- - FEE REFUNDS. Section 103.7, Fee refunds, of the IPMC, is hereby amended by established by adding the following section:

Section 103.7 Fee refunds The Code Official is authorized to establish a refund policy.

177.13 SECTION 302.4 AMENDED - - WEEDS. Section 302.4, Weeds of the IPMC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 302.4 Weeds Weeds and tall grasses shall be regulated as defined in the City of Ankeny Municipal Ordinance

177.14 SECTION 304.14 AMENDED - - INSECT SCREENS. Section 304.14, Insect Screens, of the IPMC, is hereby amended by inserting the following dates and deleting a portion of the last sentence as follows:

Section 304.14 Insect screens (from date) April 1 (to date) October 31

Delete: and every screen door used for insect control shall have a self-closing device in good working condition

177.15 SECTION 403.5 ADDITION- - CLOTHES DRYER DUCT. Section 403.5, Clothes dryer duct, of the IPMC, is hereby amended by adding the following section:

Section 403.5.1 Clothes dryer duct Transition ducts, in rental dwelling units and buildings, used to connect the dryer to the exhaust duct system shall be a single length that is listed and labeled in accordance with UL 2158A. Transition ducts shall be a maximum of 8 feet (2438 mm) in length and shall not be concealed within construction.

177.16 SECTION 404.4.1 AMENDED - - ROOM AREA. Section 404.4.1, Room Area, of the IPMC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 404.4.1 Room area Every living room shall contain at least 120 square feet and every bedroom shall contain at least 70 square feet. Where more than two persons occupy a bedroom the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.

177.17 SECTION 602.3 AMENDED - - HEAT SUPPLY. Section 602.3, Heat supply, of the IPMC, is hereby amended by inserting the following dates:

Section 602.3 Heat supply (from date) September 15 (to date) May 15

177.18 SECTION 602.4 AMENDED - - OCCUPIABLE WORK SPACES. Section 602.4, Occupiable work spaces, of the IPMC, is hereby amended by inserting the following dates:

Section 602.4 Occupiable work spaces (from date) September 15 (to date) May 15

177.19 SECTION 605.2 ADDITION - - RECEPTACLES. Section 605.2, receptacles, of the IPMC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 605.2 Receptacles Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle and shall have ground fault circuit interrupter protection. All 125-volt, single phase, 15- and 20- ampere receptacles, in rental dwelling units, within six feet of the edge of a sink, bathtub or shower stall shall be provided with ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

177.20 SECTION 702.4 ADDITION - - EMERGENCY ESCAPE OPENINGS. Section 702.4, Emergency Escape Openings, of the IPMC, is hereby amended by adding the following section:

Section 702.4.1 Emergency escape openings Replacement windows shall be the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window shall be permitted to be of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window. Emergency escape windows, other than replacement(s), shall meet the requirements for Emergency Escape and Rescue Openings of the Ankeny Building Code.

177.21 SECTION 705 ADDITION - - PORTABLE FIRE EXTINGUISHERS IN RENTAL UNITS. Section 705, Portable Fire Extinguishers in Rental Units, is hereby established by adding the following section:

Section 705 Portable Fire Extinguishers In Rental Units Portable fire extinguishers shall be provided in rental units and/or rental buildings as follows:

705.1 Non-sprinklered Single Family Dwellings, One and Two Family Dwellings and Townhomes Dwellings. Each dwelling unit shall be provided with a charged and operable portable fire extinguisher, minimum 5 Lb. 2-A:10-B:C, located in an accessible location.

705.2 Sprinklered Single Family Dwellings, One and Two Family Dwellings and Townhomes Dwellings. Each dwelling unit shall be provided with a charged and operable portable fire extinguisher, minimum 5 Lb. 1-A:10-B:C, located in an accessible location.

705.3 Non-sprinklered Multi Family Dwellings and Buildings. Each dwelling unit shall be provided with a charged and operable portable fire extinguisher, minimum 5 Lb. 2-A:10-B:C, located in an accessible location **-or-** the common area(s)/each floor shall be provided with charged and operable minimum 5 Lb. 2-A:10-B:C portable fire extinguisher(s) located in conspicuous and readily accessible locations and within 75' travel distance of each dwelling unit in accordance with the Ankeny Fire Code.

705.4 Sprinklered Multi Family Dwellings and Buildings. Each sprinklered dwelling unit shall be provided with a charged and operable portable fire extinguisher, minimum 5 Lb. 1-A:10-B:C, located in an accessible location **-or-** the common area(s)/each floor shall be provided with a charged and operable minimum 5 Lb. 2-A:10-B:C portable fire extinguisher(s) located in conspicuous and readily accessible locations and within 75' travel distance of each dwelling unit in accordance with the Ankeny Fire Code.

Portable fire extinguishers located within individual dwelling units may be of the non-rechargeable type and must be replaced after ten years.

Portable fire extinguishers located in common areas shall be of the rechargeable type and are subject to required maintenance at intervals of not more than one year by a trained and certified individual.

2. Repeal. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3. Effective date. This ordinance shall be effective July 1, 2017, after its final passage and publication as required by law.

PASSED AND APPROVED this ____ day of _____, 2017.

Gary Lorenz, Mayor

ATTEST:

Pamela DeMouth, City Clerk

**PUBLISHED IN THE
DES MOINES REGISTER
ON THE ____ DAY OF ____, 2017**

**1st Con 5/15/17
2nd Con 6/5/17
3rd Con _____**