

ORDINANCE 2014-1700

AN ORDINANCE AMENDING CHAPTER 155.14 BY ADDING PROPERTY MAINTENANCE AND HOUSING CODE, OF THE MUNICIPAL CODE OF THE CITY OF POLK CITY, IOWA, BY ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE WITH AMENDMENTS

WHEREAS, the City Council of the City of Polk City, 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 POLK CITY, IOWA:

1). That Chapter 155 Building codes of the Municipal Code of the City of Polk City, Iowa, is hereby amended and there be enacted the following Chapter;

CHAPTER 155.14 PROPERTY MAINTENANCE & HOUSING CODE

Section Number	Title	IPMC Section
1	Short Title	
2	Adoption of Property Maintenance Code	
3	Amendments, Modification, Additions and Deletions	
4	Deletions	
5	Conflicts	
6	Title	101.1
7	Application of Other Codes	102.3
8	Housing Code	102.11
9	General (Building & Zoning Administrator)	103.1

10	Work Commencing Before Permit Issuance	103.6
11	Fee Refunds	103.7
12	Weeds	302.4
13	Insect Screens	304.14
14	Clothes Dryer Transition Duct	403.5
15	Room Area	404.4.1
16	Heat Supply	602.3
17	Occupiable Work Spaces	602.4
18	Receptacles	605.2

1. SHORT TITLE. This chapter shall be known as the Polk City Property Maintenance and Housing Code, and may be cited as such, and may be referred to herein as this chapter

2. ADOPTION OF PROPERTY MAINTENANCE CODE. The International Property Maintenance Code 2012 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 2012 Edition, as adopted and a copy of this chapter are on file in the office of the Code Official.

3. AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The International Property Maintenance Code, 2012 Edition (hereinafter known as the IPMC), is amended as hereinafter set out in Sections 177.04 through 177.19.

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

Section - 111 Means Of Appeal

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

6. SECTION 101.1 AMENDED - - TITLE. Subsection 101.1, Title, of the IPMC is hereby deleted and there is enacted in lieu thereof the following subsection:

Subsection 101.1 Title. These regulations shall be known as the Property Maintenance and Housing Code of the City of Polk City, hereinafter known as “this code.”

7. SUBSECTION 102.3 AMENDED - - APPLICATION OF OTHER CODES. Subsection 102.3 Application of other codes, of the IPMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 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 Polk City Building Code, Polk City Residential Code, Polk City Mechanical Code, Polk City Fuel Gas Code, Polk City Plumbing Code, Polk City Fire Code, the Polk City Electrical Code and the Polk City Zoning Code.

8. SUBSECTION 102.11 ADDITION - - HOUSING CODE. Subsection 102.11, Housing Code is hereby established by adding the following subsections:

102.11.1 Housing Code. In addition to provisions of the Property Maintenance Code of the City of Polk City, this section shall be hereafter known as the city 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 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.

102.11.3 Dwellings--Definition. A dwelling is any house 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. 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.

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.

102.11.15 Civil liability. The owner of any dwelling or of any building or structure upon the same lot with a dwelling, or of the lot, or any violation of this chapter, or where a nuisance as herein defined exists, who has been guilty of such violation or of creating or knowingly permitting the existence of such violation, or any occupant who shall violate or assist in violating any provisions of this chapter, shall also jointly and severally for each such violation and each such nuisance be subject to a civil penalty of fifty dollars to be recovered for the use of the Planning & Building Department in a civil action brought in the name of the municipality by the Code Official. Such person or persons and also the premises shall be liable in such case for all costs, expenses and disbursements paid or incurred by the Planning & Building Department, including attorneys' fees, paid or incurred by the city, by any of the officers, agents or employees thereof, in the removal of any such nuisance or violation.

102.11.16 Additional liability. Any person who, having been served with a notice or order to remove any such nuisance or violation, fails to proceed in good faith to comply with the notice or order within five days after such service, or continues to violate any provisions or requirements of this chapter in the respect named in such notice or order, shall also be subject to a civil penalty of

one hundred dollars. For the recovery of such penalties, costs, expenses or disbursements, an action may be brought in a court of competent civil jurisdiction.

102.11.17 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.

102.11.18 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.

102.11.19 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.

102.11.23 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.

9. SUBSECTION 103.1 ADDITION - - GENERAL. Subsections 103.1, General, of the IPMC, is hereby amended by adding the following paragraph to said subsection:

Subsection 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.

10. SUBSECTION 103.6 ADDITION - - WORK COMMENCING BEFORE PERMIT ISSUANCE. Subsection 103.6, Work commencing before permit issuance, of the IPMC, is hereby established by adding the following subsection:

Subsection 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.

11. SUBSECTION 103.7 ADDITION- - FEE REFUNDS. Subsection 103.7, Fee refunds, of the IPMC, is hereby amended by established by adding the following subsection:

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

12. SUBSECTION 302.4 AMENDED - - WEEDS. Subsection 302.4, Weeds of the IPMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

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

13. SUBSECTION 304.14 AMENDED - - INSECT SCREENS. Subsection 303.14, Insect Screens, of the IPMC, is hereby amended by inserting the following dates and deleting a portion of the last sentence as follows:

Subsection 303.14 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

14. SUBSECTION 403.5 ADDITION- - CLOTHES DRYER DUCT. Subsection 403.5, Clothes dryer duct, of the IPMC, is hereby amended by adding the following subsection:

Subsection 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.

15. SUBSECTION 404.4.1 AMENDED - - ROOM AREA. Subsection 404.4.1, Room Area, of the IPMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 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.

16. SUBSECTION 602.3 AMENDED - - HEAT SUPPLY. Subsection 602.3, Heat supply, of the IPMC, is hereby amended by inserting the following dates:

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

17. SUBSECTION 602.4 AMENDED - - OCCUPIABLE WORK SPACES. Subsection 602.4, Occupiable work spaces, of the IPMC, is hereby amended by inserting the following dates:

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

18. SUBSECTION 605.2 ADDITION- - RECEPTACLES. Subsection 605.2, receptacles, of the IPMC, is hereby amended by adding the following exception and subsequent subsection:

Subsection 605.2.1 Receptacles All 125-volt, single phase, 15- and 20- ampere receptacles, within six feet of water sources shall be provided with ground fault circuit interrupter protection.

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 November 1, 2014, after its final passage and publication as required by law.

PASSED AND APPROVED this 27th day of October, 2014.

Jason Morse, Mayor

ATTEST:

Sharon Nickles, City Clerk

PUBLISHED

ON THE 7th DAY OF November, 2014

1st reading 9/22/2014

2nd reading 10/13/2014

3rd reading 10/27/2014