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City of Hiawatha
Community Development Department

To: Hiawatha City Council **Date:** April 24, 2018

Purpose: Implement the Plan of Inspections

Revise the Rental Housing fee schedule

Review: These changes have not been reviewed by the Board of Appeals. The work on revisions to our Housing Code has been ongoing since we have hired a new code enforcement officer and implemented new rental housing software as part of our permit software. The conversion process has revealed the need for some administrative changes. Our staff has reviewed adjacent city regulations and is working to combine them with our new licensure processes intended to save time and create an on-line process for rental property owners.

Description: The City of Hiawatha and surrounding jurisdictions have generally adopted the latest model building codes in order to stay current with the latest technologies, building materials and improved methods. In the same way, we consult regarding rental housing issues in an effort to create consistency for owners and renters regarding housing standards and inspection fees.

The Housing code changes include the adoption of the new Property Maintenance Code which is part of the 2018 Mode Code Adoption Package. The administrative portion has been streamlined by moving some of the amendments to Chapter 164. This includes the prescriptive code items which are applicable to all buildings.

The major administrative change is the addition of flexibility for a plan of inspections allowing for 5 year intervals and for collecting inspection and investigation fees. The Plan of Inspections allows the City to make rental property inspections at five year intervals for properties which are properly maintained. This is extended from the three year maximum. The new plan allows the interval to be reduced based on complaints and failures to comply with inspections allowing staff to concentrate on problem properties. The plan also acknowledges the need for additional annual fire safety inspections of large multi-family buildings.

The new language in Chapter 163 will allow the City to collect fees on an annual basis rather than a sporadic three to five year cycle. The proposed fee resolution reflects the new proposal for an annual fee. On average over a three year period the cost to the landlord will change as shown in the table below. The difference can increase or decrease depending on the frequency of violations under the present system. Under the new proposal the second inspection is included in the basic program which helps to minimize the actual difference. This table also includes the comparative Cedar Rapids fee table.

The fee proposal has also been modified to add a fee for registering new "designated agencies" and a penalty for failure. We currently have this in place for the owner only. However the biggest problem we face in records updates is the maintaining of the current responsible contact. This new process should facilitate updated records and reduce staff time needed for updating records. All of the processes noted in the fee schedule will be available on line except for scheduling inspections which will be initiated by the City of Hiawatha.

Number of units per building	[1]Present annual Estimate	[2]Proposed annual renewal fee	Cedar Rapids annual fees	Cedar Rapids proposed annual fees
Single dwelling	$20 - $40	$30	$30	$38
Duplex	$23 - $43	$30	$30	$38
Four plex	$30 - $50	$40		
12 plex	$57 - $77	$80		
20 units	$83 - $103	$120		
50 units	$183 - $203	$300		
Estimated program revenue 350 buildings 1000 units	$9,166 - $16,660	$17,000 $20/ building $5/unit	$25/building $8/unit	$30/building $10/unit
Average building fee	$20	$20	$25	$30
Average unit fee	$3.33	$5	$8	$10

[1]includes second re-inspection fees required by most regular inspections divided by 3 years
[2]based on $20 per building and $5 per unit

Recommendation: Community Development is recommending: (1) Implementation of the Plan of Inspections: (2) Revisions to the Rental Housing Fee Schedule.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 163 HOUSING CODE IN ITS ENTIRETY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA:

SECTION 1. Chapter 163, Housing Code, of the Code of Ordinances of the City of Hiawatha, Iowa, 1996, is hereby amended as follows:

CHAPTER 163

HOUSING CODE

163.01 Purpose

163.02 International Property Maintenance Code Adopted

163.03 Amendments to the Property Maintenance Code

163.04 Authority for Enforcement

163.05 Registration and Fees

163.06 Plans of Inspection

163.07 Interference with the Code Enforcement Officer

163.08 Repealed: Unsafe Structures and Equipment

163.09 Right to Appeal

163.10 Failure to Comply

163.11 Repealed: Definitions~~Definitions~~

163.12 Repealed: Weeds

163.13 Repealed: Insect Screens

163.14 Repealed: Single Occupant

163.15 Repealed: Heat Supply and Occupiable Work Spaces

163.16 Repealed: Safety Controls~~Safety Controls~~

163.17 Repealed: Receptacles

163.18 Repealed: Smoke Alarms and CO Alarms

163.19 Code on File

~~**163.01 PURPOSE.**~~ The purpose of this Chapter is to designate the responsibilities of persons for maintenance of structures, equipment and exterior property within the City, to define nuisances as a result of the failure to perform such maintenance and to provide for the abatement of such nuisances in order to provide for the safety and preserve the health and welfare of the citizens of the City.

163.02 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED. Except as hereinafter added to, deleted, modified or amended, there is hereby adopted as the Housing Code of the City of Hiawatha that certain Code known as the *International Property Maintenance Code, 2018 ~~2015~~ Edition,* First Printing, as prepared and edited by the International Code Council, Inc., as amended by Hiawatha Property Maintenance Code Chapter 164, and the provisions of said Property Maintenance Code shall be controlling in maintaining minimum requirements and standards of structures and properties within the corporate limits of the City and shall be known as the Hiawatha Housing Code.

163.03 AMENDMENTS TO THE PROPERTY MAINTENANCE CODE. Certain sections and portions of sections of the *International Property Maintenance Code,* are hereby amended, deleted, modified or added to as more specifically set forth in the following sections of this chapter. Sections Amended: The following sections are amended by the addition of the following information.

163.04 AUTHORITY FOR ENFORCEMENT. The City Administrator shall be responsible for the enforcement of this chapter and shall have all the necessary authority to carry out such enforcement. Any person designated by the City Administrator to enforce this chapter shall be known as the Code Enforcement Officer.

163.05 REGISTRATION AND FEES. The Hiawatha Housing Code is hereby amended by repealing Section 103.5 of the *International Property Maintenance Code,* and by replacing said section with a new section, as follows:

Section 103.5 Registration and Fees

1. Registration Required. No person shall operate a rental dwelling unit, rooming house, congregate housing or independent group residence unless the person has first registered such rental dwelling unit, rooming house, congregate housing or independent group residence with the City. There is a ~~onetime~~onetime registration fee for all rental properties; fee shall be established by resolution of the City Council. Failure to pay the registration fee within thirty (30) days following occupancy of the dwelling unit, rooming house, congregate housing or independent group residence may result in the registration fee being assessed as costs against the property for collection in the same manner as a property tax.

2. Duration of Registration. Such registration shall remain in effect until there occurs:

   2.1. A~~a~~ change in ownership or designation of agents of the rental dwelling unit, rooming house, congregate housing or independent group residence. In such event, the owner, operator or agent of such property shall register such property with the City within thirty (~~60~~30) days of such change~~ in ownership~~. Failure to comply will result in a code violation with an investigation fee in addition to the registration fee; fee shall be established by resolution of the City Council.

2.2. A failure to pay fees associated with registration, registration renewals, inspections or investigation fees defined herein.

~~1.1.~~2.3. A failure to comply with inspection requirements or failure to correct violations arising from investigations or inspections.

~~2.~~3. Registration Form. Registration shall not be in effect unless the owner, operator or agent has first made application on an application form provided by the City. At the time of registration, the owner, operator or agent shall designate an agent for the service of process who is a resident of the State of Iowa.

~~3.~~4. Inspection and Investigation Fees. Inspection and investigation fees shall be established by resolution of the City Council and may be levied as an annual renewal fee. Failure to pay any inspection or investigation fee within thirty (30) days following the date of the inspection or investigation or within 30 days of an annual renewal date may result in the termination of the registration and in the ~~inspection or investigation~~ fee being assessed as costs against the property for collection in the same manner as a property tax.

163.06 PLANS OF INSPECTION. The Hiawatha Housing Code is hereby amended by repealing Section 104.2 of the *International Property Maintenance Code,* and by replacing said section with new section, as follows:

~~Section 104.2 Plans of Inspection. The~~ enforcement of the Hiawatha Housing Code shall include:

1. A plan for the inspection of all residential dwellings contained within the City upon receipt of complaints.

~~1.~~2. A plan for the regular inspection of all rental units, rooming houses, congregate housing, and independent group residences.

~~A plan for the inspection of all residential dwellings contained within the City upon receipt of complaints.~~

163.07 INTERFERENCE WITH THE CODE ENFORCEMENT OFFICER. No person shall interfere with the Code Enforcement Officer while engaged in the enforcement of this chapter.

163.08 Repealed (UNSAFE STRUCTURES AND EQUIPMENT: *Moved to Chapter 164*). ~~The Hiawatha Housing Code is hereby amended by repealing Section 108.1 of the *International Property Maintenance Code,* and by replacing said section with new section, as follows:~~

~~108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, the code official shall commence proceedings to cause the repair, vacation or demolition of the structure and the structure may be condemned pursuant to the provisions of this code.~~

163.09 RIGHT TO APPEAL. The Hiawatha Housing Code is hereby amended by repealing Section 111 of the *International Property Maintenance Code,* and by replacing said section with new section, as follows:

111 Means of Appeal. Any appeals arising from any act of the administrative authority in the determination of the suitability of alternate materials and methods of installation or construction and provide reasonable interpretations, and of variances from the Hiawatha Housing Code shall be heard by the Board of Appeals (hereinafter "Board") as set forth in Chapter 159 of this Code of Ordinances.

163.10 FAILURE TO COMPLY. The Hiawatha Housing Code is hereby amended by repealing Section 112.4 of the *International Property Maintenance Code,* and by replacing said section with new section, as follows:

Section 112.4 Failure to Comply.

1. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a municipal infraction as specified by City Code.

163.11 Repealed (DEFINITIONS. ***Moved to Chapter 164***~~). For the purpose of this chapter, the following terms are defined:~~

~~"Blighted area" is defined as set forth in Section 403.17 of the Code of Iowa.~~

~~"Vermin" means any of various insects, bugs or small animals regarded as objectionable because they are destructive, disease carrying, etc.~~

~~"Occupant load" is defined as 2 persons per bedroom.~~

~~"Family" means one or more persons each related to the other by blood, marriage, adoption, legal guardianship or as foster parent-children who live together in a single dwelling and maintaining a common household. No more than five persons not so related and living together on the premises, as a common household may constitute a "family".~~

163.12 Repealed (Weeds: ***Moved to Chapter 164***~~)WEEDS. The Hiawatha Housing Code is hereby amended by repealing Section 302.4 of the *International Property Maintenance Code,* and by replacing said section with a new section as follows:~~

~~302.4 WEEDS. All premises and exterior property shall be maintained free from weeds or plant growth in excess of (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.~~

163.13 Repealed (moved to Chapter 164) INSECT SCREENS~~. The Hiawatha Housing Code is hereby amended by repealing Section 304.14 of the *International Property Maintenance Code,* and by replacing said section with a new section as follows:~~

~~304.14 INSECT SCREENS. During the period from January 1 to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have self-closing device in good working condition.~~

163.14 **Repealed (moved to Chapter 164)** **SINGLE OCCUPANT.** ~~The Hiawatha Housing Code is hereby amended by repealing Section 309.3 of the *International Property Maintenance Code*.~~

163.15 **Repealed (** **HEAT SUPPLY AND OCCUPIABLE WORK SPACES.** ***Moved to Chapter 164)*** ~~The Hiawatha Housing Code is hereby amended by adding the dates of January 1 to December 31 to the respective sections of the *International Property Maintenance Code* in Sections 602.3 and 602.4.~~

163.16 **Repealed (** **SAFETY CONTROLS**. ***Moved to Chapter 164)***. ~~The Hiawatha Housing Code is hereby amended by repealing Section 603.4 of the *International Property Maintenance Code*, and by replacing said section with a new section, as follows:~~

~~603.4 SAFETY CONTROLS. All safety controls for fuel burning equipment shall be maintained in effective operation. Any structures using fuel burning equipment shall protect the residents by complying with the requirements of the Hiawatha Building Code which requires carbon monoxide detectors.~~

163.17 **Repealed** **RECEPTACLES.** ~~The Hiawatha Housing Code is hereby amended by addition of a new Section 605.2.1 to the *International Property Maintenance Code*, reading as follows:~~

~~605.2.1 GROUND FAULT CIRCUIT REQUIREMENTS. Receptacles which are within three feet of a source of water shall have ground fault circuit interrupter protection.~~

163.18 **Repealed (moved to Chapter 164)** **SMOKE ALARMS**. ~~The Hiawatha Housing Code is hereby amended by repealing Section 704.2.1.3 and 704.2.1.4 of the *International Property Maintenance Code* and leaving said sections blank.~~

163.19 **CODE OF FILE.** An official copy of the Hiawatha Housing Code hereby adopted, including a certificate by the Clerk as to its adoption and the effective date thereof, shall be on file in the office of the Clerk in City Hall and shall be kept there on file, and copies shall be available for public inspection. A copy of this chapter shall be available in the Community Development Department Office.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

DRAFT

PASSED AND APPROVED this 16th day of May, 2018.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

I, Kelly Kornegor, City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 16th day of May, 2018, and was posted as Ordinance No. _____ on the _____ day of May, 2018.

_____
Kelly Kornegor, City Clerk