**Addition: Chapter 158, Rental code**

**CHAPTER 158**

**PROPERTY MAINTENANCE AND RESIDENTIAL RENTAL CODE**

|  |  |
| --- | --- |
| **158.01 Purpose** | **158.12 Revocation and Suspension of Certificates** |
| **158.02 Adoption of Code** | **158.13 Withholding or Denial of Certificates** |
| **158.03 Applicability** | **158.14 Violations and Penalties** |
| **158.04 Definitions** | **158.15 Fees** |
| **158.05 Interpretation** | **158.16 Rent Collections** |
| **158.06 Code Enforcement Officer** | **158.17 Appeals** |
| **158.07 Registration and Inspection Certificate Required** | **158.18 Variances** |
| **158.08 Inspection Procedures** | **158.19 Crime-Free Housing Program Requirements** |
| **158.09 Rental Housing Standards** | **158.20 Public Nuisance Property** |
| **158.10 Mobile Homes** | **158.21 Assessment of Infraction Points** |
| **158.11 Complaints** |  |

**158.01 TITLE AND STATEMENT OF PURPOSE.** The ordinance codified in this chapter is entitled as the “Property Maintenance and Residential Rental Code”. The purpose of this chapter is to establish minimum regulations regarding the conditions and maintenance of rental properties, buildings, and structures. Standards outlined in Chapter 158 are to ensure that rental structures, buildings, and properties are safe, sanitary, and fit for occupation and use.

**158.02 ADOPTION OF PROPERTY MAINTENANCE CODE.** The *International Property Maintenance Code*, published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended.

**158.03 APPLICABILITY.** Provisions within this chapter shall be applicable to the maintenance, repair, equipment, use and occupancy of all residential rental buildings and accessory dwelling structures that are now in existence or hereafter constructed, habilitated, renovated, or converted to residential use within the corporate limits of the City of Nevada. Provisions within this chapter include, but are not limited to single-family dwellings, two-family dwellings, multi-family dwellings, mobile homes regulated under 562A of the Iowa Code, accessory dwelling units and/or rooming/sleeping units with the following exceptions:

a)  Single-family dwellings which are occupied by the owner;

b)  Transient shelters, group homes and college dormitories subject to state licensing; and

c)  Hotels, motels, extended stay hotels and other similar uses subject to state licensing.

Provisions within this chapter shall also be applicable to the land and common areas that provide services to individual owner-occupied units where said land and common area is under the ownership of someone other than that of said owner occupied unit, including, but not limited to, mobile home parks, horizontal property regimes pursuant to Iowa Code 499B, and multiple housing cooperatives pursuant to Iowa Code 499A.

**158.04 DEFINITIONS.** The following terms are defined for the purposes of Chapter 158:

1. “Building and Zoning Official” means the official who is charged with the administration and enforcement of this code, or any duly authorized representative.
2. “Dwelling Unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
3. “Group homes” means those dwelling units which provide for the care of a group of persons, such as but not limited to a nursing home or treatment facility that are subject to state licensing.
4. “Inspection” means a review of a dwelling unit, building or structure for its compliance to adopted and relevant city codes.
5. “Minor” means an individual under the age of 18.
6. “Multi-family dwelling” means a building designed for or occupied exclusively by three or more families. This includes condominiums or individual dwelling units within the structure that are being rented or leased.
7. “Owner” means any person who, alone or jointly or severally with others shall have legal title to any dwelling unit, with or without accompanying actual possession thereof; or shall have charge care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if the representative were the owner.
8. “Rental inspection certificate” means a certificate issued upon the inspection and certification of a dwelling unit and allows for that dwelling unit to be rented and occupied.
9. “Single-family dwelling” means a building designed for or occupied exclusively by one family.
10. “Tenant/Occupant” means any individual residing in a rental dwelling unit or having possession of a space within a rental dwelling.
11. “Transient shelters” means those units providing temporary or transitionary residence for a period of thirty-one (31) days or less.
12. “Two-family dwelling” means a building designed for or occupied exclusively by two families. This includes condominiums or individual dwelling units within the structure that are being rented or leased.

**158.05 INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be held to minimum requirements, adopted for the promotion and protection of the public health, safety, morals, and general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the higher standards, shall govern.

**158.06 CODE ENFORCEMENT OFFICER.** It shall be the duty of the Building and Zoning Official, or other officially delegated and/or appointed by the City Administrator, who shall administer and enforce the provisions within this chapter and to conduct any required inspections or tests.

**158.07 REGISTRATION AND INSPECTION CERTIFICATION REQUIRED.** After the effective date hereof, no person shall rent, lease, let, operate, or otherwise allow the occupancy of any dwelling unit or any portion of any dwelling unit (including sleeping rooms) unless they hold a valid rental inspection certificate.

1. Issuance. Following the submission of a rental registration application, on forms provided by the City of Nevada, and review of the residential unit for compliance with the provisions within this chapter, the Building and Zoning Official shall issue a rental certificate to the owner and/or agent. No certificate shall be issued until all inspections, registration and other fees have been passed, completed, and paid.
2. Owner and/or Agent Information Required. Owners of residential rental properties in the City, who reside in Story County or any county contiguous thereto, shall provide the Building and Zoning Department with their contact information including but not limited to:

a) Mailing addresses

b)  Telephone numbers

c)  Fax numbers; and

d)  E-mail addresses

Owners of residential rental properties in the City who reside in any area other than described above, shall provide the department with the contact information of an individual over the age of eighteen (18) who shall reside in Story County or any county contiguous thereto, and who shall be designated as agent for scheduling inspections, receiving notice, and service of process.

1. Rental Inspection Certificate. Certificates shall be readily available for examination by prospective tenants, tenants, and the Building and Zoning Official at all times.
2. Certificate Duration and Validation. Certificate shall expire at the end of two (2) years following its date of issuance, or from the listed expiration date, unless suspended or revoked as hereinafter provided.
3. Certificate Renewal. Certificates shall be revoked if not renewed within thirty (30) days from the date of expiration. Renewal shall include an inspection of rental property for compliance to provisions within this chapter.
4. Transfer of Ownership. A notice to the Building and Zoning Department is required from the owner within ninety-six (96) hours after a rental property is sold, transferred, conveyed, or otherwise disposed of ownership, interest, or control. Notices shall include the name and address of the person succeeding to the ownership and control thereof. Certificates are transferable as long as the succeeding property owner re-registers the rental property under their name and contact information. The succeeding property owner will have thirty (30) days to re-register said property at no cost. If the succeeding property owner fails to re-register the rental property within thirty (30) days, rental certification shall be revoked or suspended.
5. New Units. New construction projects, which have received final inspection approval and have been issued a Certificate of Occupancy, need not complete an inspection for a period of two (2) years from the issue date but shall register their property and provide their contact information to the City in order to be compliant with provisions in this chapter.
6. Crime-free Housing Training. All persons applying for a rental permit for residential property and/or the managers of the respective rental properties of four (4) or more rental units, shall have successfully completed mandatory crime-free management training, administered or certified by the city, prior to issuance of the rental housing occupancy permit. The permit will be issued only after successful completion of the training. A temporary occupancy permit may be issued to the property owner for a minimum reasonable period of time which the inspector determines is needed in order to complete training requirements.

**158.08 INSPECTION PROCEDURES.** The owner and/or agent shall schedule an inspection to be conducted by the Building and Zoning Department to ensure compliance with the requirements of this chapter.

1. Appointments. Appointments for inspections shall be scheduled by the applicant through the City during regular business hours and shall provide at minimum one (1) business day notice. The City may request for the appointment to be rescheduled. The owner and/or agent shall be required to arrange for access to all portions of the building. Failure to provide access to all portions of the building shall prevent the issuance of a rental certificate and thus compliance with the law. The owner and/or agent shall notify all tenants of the inspection in accordance with Chapter 562A, *Uniform Residential Landlord and Tenant Law*, of the Code of Iowa. Failure to notify tenants shall result in reinspection.

2. Inspection Schedule. The Building and Zoning Department shall seek to inspect every residential rental dwelling within the corporate limits of the City of Nevada every two (2) years. As part of the inspection process, the City may determine to extend or shorten the timeframe to the next scheduled inspection. Factors that may influence the City to inspect more or less frequently include, but are not limited to the following:

a)  Age and condition of dwelling

b)  Inspection history

c)  Tenant/management complaints

d)  Natural disasters such as flooding

e)  Timely inspection scheduling, follow-up, and fee payment by the owner

f)  In-house inspection and maintenance program by the owner that includes specific life/safety provisions

It shall be the responsibility of the owner and/or agent to ensure that their rental properties have a valid rental inspection certificate. The City may schedule inspection appointments with the owner and/or agent of the property by regular mail and/or email, a minimum of thirty (30) days in advance of the inspection. It shall be the owner and/or agent’s responsibility to notify all tenants of the inspection date and time, in accordance with Iowa law.

1. Inspections shall not be conducted under the following circumstances and shall result in a reinspection:

a)  When a minor is serving on the behalf of the owner and/or agent

b)  When the inspection is against the will of the tenant without the building owner and/or agent present

c)  When no prior notice is given to the tenant, as is required by state law

d)  Without either the owner and/or agent, tenant of the dwelling, or the designated agent being present

4. Administrative Search Warrants. When under any section of this code it is necessary to enter in or upon any building, structure, land or other premises for inspection purposed or when there is reasonable cause to believe there exists in, at or upon a building, structure, land or other premises within the jurisdiction of the city a violation of any section of this Code enacted under police powers related to health or safety and a city officer of employee is authorized to conduct inspections has attempted to gain entry to any building, structure, land or other premises for the purpose of such inspection and has been refused such entry, the council in the exercise of its home rule powers authorizes the city attorney or their designee to make an application for an administrative search warrant in the name and authority of the city as provided by law.

**158.09 RENTAL HOUSING STANDARDS.** The Building and Zoning Official shall inspect each rental unit or portion thereof, including any dwelling unit, guestroom or suite of rooms, to determine whether the premises are safe for human habitation or whether they are deemed substandard as set forth below.

Substandard conditions shall include, but not be limited to, the following:

* 1. Lack of proper water closet, lavatory, bathtub or shower;
  2. Lack of proper kitchen sink;
  3. Lack of hot and cold running water to plumbing fixtures;
  4. Lack of heating facilities;
  5. Lack of or improper operations required ventilating equipment;
  6. Lack of or minimum amounts of natural light and ventilation;
  7. Lack of required electrical lighting;
  8. Dampness of habitable rooms;
  9. Infestation of insects, vermin or rodents;
  10. General dilapidation or improper maintenance;
  11. Lack of connection to the required sewage disposal system;
  12. Lack of adequate garbage and rubbish storage and removal facilities;
  13. Lack of valid minimum rental housing occupancy permit for the dwelling unit;
  14. Structural Hazards, including:
      + 1. Deteriorating or inadequate foundations;
        2. Defective or deteriorating flooring or floor supports;
        3. Flooring or flooring supports of insufficient size to carry imposed loads with safety;
        4. Members of wall, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
        5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
        6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;
        7. Members of ceiling, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;
        8. Fireplaces or chimneys which list, bulge or settle due to material deterioration; and
        9. Fireplaces or chimneys which are insufficient size or strength to carry imposed loads with safety.
  15. Hazardous wiring**.** Hazardous wiring shall include all wiring, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner;
  16. Hazardous plumbing. Hazardous plumbing shall include all plumbing, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections and siphoning between fixtures;
  17. Hazardous mechanical equipment. Hazardous mechanical equipment shall include all mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition;
  18. Faulty weather protection. Faulty weather protection shall include, but not be limited to, the following:
      + 1. Deteriorated, crumbling or loose plaster;
        2. Deteriorating or ineffective water-proofing of exterior walls, roofs, foundations or floors, including broken windows or doors;
        3. Defective weather protection or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering; and
        4. Broken, rotted, split or buckled exterior wall coverings or roof.
  19. Fire hazards. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Chief of Fire Department or his or her designee, is in such condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be deemed a fire hazards.
  20. Faulty materials of construction. Faulty materials of construction shall include all materials of construction, except those which are specifically allowed or approved by this chapter and the building code, and which have been adequately maintained in good and safe condition.
  21. Hazardous or unsanitary premises. Hazardous or unsanitary premises shall include those premises on which an accumulation or weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire health or safety hazards.
  22. Inadequate maintenance. Any building or portion thereof which is determined to be an unsafe or dangerous building in accordance with the Building Code of the city shall be deemed to be inadequately maintained.
  23. Inadequate exits. All buildings or portion there of not provided with adequate exit facilities as required by this chapter shall be deemed to have inadequate exits. When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.
  24. Inadequate fire-resistive construction or firefighting equipment.
      + 1. Fire-resistive. All buildings or portion thereof which are not provided with the fire-resistive construction required by this chapter shall be deemed to have inadequate fire-resistive construction, except those buildings or portions thereof which the owner proves by clear satisfactory and convincing evidence:

1. Conformed with all applicable laws at the time of their construction, conversion to rental dwelling unit status and increase in number of rental dwelling units; and

Whose fire-resistive construction has been adequately maintained and improved with any increase in number of dwelling units or occupant load, and with any alteration, addition or change in occupancy.

* + - 1. Deemed inadequate. All buildings or portions thereof which are not provided with the fire extinguishing system or equipment required by this chapter shall be deemed to have inadequate fire extinguishing systems or equipment.
  1. Improper occupancy. Improper occupancy shall include any occupancy of a building or portion thereof occupied for living, sleeping, cooking or dining purposes which was not designed or intended to be used for such occupancy. Improper occupancy shall also include the occupancy of, or allowing the occupancy of, any dwelling unit for which there is not in effect a valid and current minimum rental housing occupancy permit or a valid and current registration receipt with respect to said dwelling.

**158.10 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.

**158.11 COMPLAINTS.** Unless there are significant health, safety, or general welfare issues, a tenant shall first file a written complaint to the owner or agent. Complaints shall be submitted in writing.

1. An owner or agent shall have seven (7) days to address the complaint.
2. If the complaint is not remedied to the tenant’s satisfaction within seven (7) days of receiving said complaint, or if the complaint is of a significant health, safety, or general welfare issue, the Building and Zoning Official shall schedule an inspection with the tenant and owner.
3. No person shall pursue an action for eviction in retaliation for a complaint.
4. No person shall cause any service, facility, equipment or utility required under this chapter to be removed, shut off, or discontinued in retaliation for a complaint.

**158.12 REVOCATION AND SUSPENSION OF CERTIFICATES.** Any rental inspection certificate may be summarily revoked and/or suspended by the Board of Adjustment upon the review of a notice of violation of any provision of this chapter or upon any outstanding fees, fines, or violations on any rental properties and/or units under the jurisdiction of the City of Nevada.

**158.13 WITHHOLDING OR DENIAL OF CERTIFICATES.** Any rental inspection certificate may be withheld or denied by the Building and Zoning Department if an owner has outstanding fees, fines, or violations on any rental properties and/or units under the jurisdiction of the City of Nevada, or if the inspection reveals any of the substandard conditions as set forth in Section 158.09.

**158.14 VIOLATIONS AND PENALTIES.** Any person who fails to comply with any provisions of this chapter or other applicable code or regulation shall be subject to a fine as set forth in Chapter 4. In the instance that a rental property fails to meet the requirements within this chapter, the Building and Zoning Official may issue an order requiring for the property owner or agent to correct violations within a reasonable amount of time.

Whenever the City determines that a violation of this chapter exists, the City shall give notice of the violation. The notice shall be in writing and shall describe with reasonable detail the violation(s) to allow the property owner to correct said violation(s).

**158.15 FEES.** All fees due to the City for registration, and/or rental housing certificates, as determined by City Council resolution, shall be collected in prior to issuance of a certificate.

**158.16 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.

**158.17 APPEALS.** Appeals to the Board of Adjustment concerning interpretation or administration of this chapter may be taken by any person aggrieved by any decision of the Building and Zoning Official. Such appeals shall be taken within a reasonable time, not exceeding 60 days, by filing with the Building and Zoning Official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Building and Zoning Official shall forthwith transmit to the Board all papers constituting the record upon which the action appeal from was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney. A fee as set by the Resolution of the City Council shall be paid to the Building and Zoning Official at the time the notice of appeals is filed.

**158.18  VARIANCES.** In the case of appeals requesting a variance, the Board of Adjustment may grant a reasonable variance in a specific case and from a specific provision of this chapter, subject, however, to appropriate conditions; and, provided that, the Board makes specific findings of fact based on the evidence presented on the record as a whole, that the following factors have been established by the required standard of proof:

1. There are practical difficulties or unnecessary hardships in carrying out the strict letter of the notice or order;

2. Due to the particular circumstances presented, the effect of the application of the provisions of this chapter would be arbitrary in the specific case;

3. An extension of time to bring the property into compliance with the provisions of this chapter would not constitute an appropriate remedy for practical difficulties or unnecessary hardships in this arbitrary effect;

4. Such a variance is in harmony with the general purpose and intent of this chapter in securing the public health, safety and general welfare;

5. The granting of such variance will not render the structure unsafe for habitation; and

6. The structure benefitted by the variance conformed with all applicable provisions of this Code of Ordinances, including, but not limited to, zoning provisions, at each of the following times:

       (a) At time of construction;

(b) At the time of its conversion to rental dwelling status; and

(c) At the time of any increase in number of rental dwelling units in the structure.

**158.19  PROGRAM REQUIREMENTS.** Crime-free lease addendum.

1. All residential rental property owner with four or more rental units, entering into leases regarding residential rental property shall utilize the crime-free lease addendum provided by the city. Property owners shall advise prospective tenants of the required crime-free lease addendum prior to entering into any lease or rental agreement.

2. The crime free lease addendum shall make criminal activity a lease violation and will specify that criminal activity is not limited to violent criminal activity or drug-related criminal activity engaged in by, facilitated by, or permitted by the tenant, a member of the household, a guest or any party under the control of the tenant. The property owner shall take all reasonable action to enforce the terms of the crime-free housing addendum, including eviction of the tenant in violation pursuant to the requirements of state law.

3. It shall constitute a violation of this subchapter for any residential rental property owner to knowingly permit any tenant to occupy any residential rental property without entering into a crime-free lease addendum or to occupy any residential rental property in violation of any provision of the crime-free lease addendum required under this section. Any failure to include a crime-free lease addendum or similar approved language may result in penalty as set forth below.

4. Training. All residential rental property owners with four or more rental units, shall have successfully completed mandatory crime-free management training, administered or certified by the city, prior to issuance of occupancy permits. Recertification training will be required of all residential rental property owners every three years.

5. Property contact information. The residential rental property owner shall provide the City with emergency contacts for each rental property, who can provide the names of the residents in each unit and has authority to make decisions with respect to the property.

6. Tenant background checks. All residential rental property owners with four or more rental units shall check the criminal background of all perspective tenants through a screening program approved by the Police Department. Copies of the completed background check must be retained in the tenant’s files and made available to the city upon request.

7. Chronic law enforcement issues. Residential rental property owners with fewer than four rental units will be subject to program requirements of this subchapter only if the rental unit(s) experience chronic law enforcement issues. In the event of chronic law enforcement issues, property owners shall remain subject to program requirements for a period of 24 months violation free, following the latest founded incident. Chronic law enforcement issues are unit specific, with occupants therein and defined as:

(a) One or more Founded Level 1 Violations as defined in 158.21 within a 12-month period.

(b) Two or more Founded Level 2 Violations as defined in 158.21 within a 12-month period.

(c) Three or more Founded Level 3 Violations as defined in 158.21 within a 12-month period.

8. Enforcement/penalties.

(a) Notice. Whenever the City determines that a violation of this section exists, the City shall give notice of violation and an order to correct to the property owner. The notice shall be in writing and shall describe with reasonable detail the violation(s) so that the property owner has the opportunity to correct said violation.

(b) Violation. Any person who fails to comply with any provisions of this subchapter after receiving written notice of the violations(s) and being given a reasonable opportunity to correct such violations(s) shall be deemed to be in violation of this subchapter.

(c) Penalty. Any property owner violating any provision of this subchapter or other applicable code or regulation with regard to the Crime-Free Multi-Housing Program shall be subject to a municipal infraction for each offense. A separate offense shall be deemed committed on each day a violation occurs or continues to exist. Permit renewals will not be approved unless all outstanding penalties are paid in full.

9. Suspension/revocation. Any failure of an owner to take reasonable action enforce the terms of the crime-free lease addendum after having been notified by the City of activity or conduct occurring on the residential rental property in violation of the addendum, and after having been given a reasonable opportunity to remedy such activity or conduct, shall be sufficient grounds for the suspension of his or her residential rental permit for a period of up to 90 days. Repeated suspensions may be grounds for revocation. The property owner shall have the right to appeal any suspension as set forth in this subchapter.

**158.20  PUBLIC NUISANCE PROPERTY.**

1. It shall be the responsibility of the owner of each dwelling unit that is subject to the provisions of this subchapter to assure that the use and occupancy of such dwelling unit does not unreasonably interfere with or adversely affect the rights of nearby residents to the quiet enjoyment of their property, and does not disturb the health, safety, comfort or general welfare of the occupants of surrounding properties.

2. Any use or occupancy, or allowing the use or occupancy, of any dwelling unit subject to the provisions of this subchapter in violation of the requirements of division (A) above shall constitute a public nuisance as defined in 158.21.

3. Failure of the owner to comply with the requirements of this section with respect to any dwelling unit owned by the owner shall be grounds for the assessment of infraction points covering such dwelling unit as provided in 158.21 of this subchapter.

**158.21  ASSESSMENT OF INFRACTION POINTS.** Founded complaint of violations.

1. In addition to the possibility of the issuance of a municipal infraction, the owner of any dwelling unit subject to the provisions of this subchapter at which a founded complaint of a violation of any of the following provisions of this code occurs shall be assessed infraction points, in accordance with the following schedule:

2. Nuisance property. A property shall be deemed a nuisance property upon a determination by the city that any one or more of the following is true with respect to the property:

(a)   Level 1 Violation. One or more founded calls for service have been made concerning the following nuisance activities at or within 1,000 feet of the property within a period of 12 consecutive months, whether committed by a resident, guest(s) or other person(s) under the resident’s control:

(i) Manufacture, delivery or possession of a controlled substance in violation of Iowa Code Chapter 124;

(ii) Kidnapping as defined in Iowa Code Chapter 710;

(iii) Arson as defined in Iowa Code Chapter 712;

(iv) Burglary as defined in Iowa Code Chapter 713;

(v) Robbery as defined in Iowa Code Chapter 711;

(vi) Sex abuse as defined in Iowa Code Chapter 709;

(vii) Intimidation with a dangerous weapon as defined in Iowa Code Section 708.6;

(viii) Willful injury as defined in Iowa Code Section 708.4;

(ix) Sexual exploitation of a minor in violation of Iowa Code Section 728.12;

(x) Felony gambling in violation of Iowa Code Chapter 725.7;

(xi) Felony criminal mischief as defined in Iowa Code Chapter 716;

(xii) Animal contests in violation of Iowa Code Chapter 717D;

(xiii) Riot as defined in Iowa Code Section 723.1;

(xiv) Prostitution as defined in Iowa Code Chapter 725;

(xv) Sex offender registry violations as defined in Iowa Code Chapter 692A;

(xvi) Owning, keeping or harboring a dangerous animal as defined in Nevada Municipal Code 55.01 and prohibited by 55.08 thereof.

(b)   Level 2 Violation. Two or more founded calls for service have been made concerning the following nuisance activities at or within 1,000 feet of the property within a period of 12 consecutive months, whether committed by a resident, guest(s) or other person(s) under the resident’s control:

(i) Serious or aggravated misdemeanor criminal mischief as defined in Iowa Code Chapter 716;

(ii) Serious or aggravated misdemeanor assault as defined in Iowa Code Chapter 708;

(iii) Serious or aggravated misdemeanor theft as defined in Iowa Code Chapter 714;

(iv) Misdemeanor gambling as defined in Iowa Code Chapter 725;

(v) False imprisonment as defined in Iowa Code Section 710.7;

(vi) Unlawful discharge of any device in violation of Chapter 41.10 and 41.11 of the Nevada Municipal Code;

(vii) Engaging in conduct prohibited by 50.02(10) of the Nevada Municipal Code concerning houses of ill fame;

(viii) Failure to disperse from an unlawful assembly as defined in Iowa Code § 723.3.

(c)   Level 3 Violation. Three or more founded calls for service have been made concerning the following nuisance activities at or within 1,000 feet of the property within a period of 12 consecutive months, whether committed by a resident, guest(s) or other person(s) under the resident’s control:

             (i) Unlawful assembly in violation of Iowa Code § 723.2;

Simple misdemeanor assault in violation of Iowa Code Chapter 708;

Owning, keeping, harboring or knowingly permitting an animal to create such noise as to constitute a violation of 55.06 of the Nevada Municipal Code;

Disorderly Conduct in violation of Nevada Municipal Code 40.04;

Consumption or intoxication in public places in violation of Iowa Code § 123.46;

Disorderly conduct in violation of Iowa Code § 723.4;

Persons under legal age in violation of Iowa Code § 123.47;

Making, continuing or causing the making or continuance of a noise disturbance as limited by Nevada Municipal Code Chapter 40;

False reports or communications to public safety entities in violation of Iowa Code § 718.6;

Violation of any other general provisions not specifically listed. but prohibited in Chapter 40 “Public Peace” of the Nevada Municipal Code;

Violation of any public nuisance not specifically listed, but prohibited in Chapter 50 “Public Peace” of the Nevada Municipal Code.

1. Notwithstanding the foregoing, Chapter 158, shall not apply to calls for service made by a caller seeking law enforcement assistance or other emergency assistance for a victim of crime or abuse, or seeking law enforcement assistance or other emergency assistance for an individual in any other emergency situation, if the caller had a reasonable belief that emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime or other emergency or, in the event of abuse, crime or other emergency, the emergency assistance was actually needed. Notwithstanding the foregoing, no penalty shall be imposed under this subchapter against a resident, owner, tenant or landlord because the resident, owner, tenant or landlord was a victim of abuse or crime.
2. Conduct within the scope of this subchapter may arise out of a mental health condition and that, accordingly, any documented mental health condition of which City officials are made aware may be taken into account when applying the terms of this subchapter.
3. Except where otherwise specified, the references in this section to provisions of the Iowa Code or the Nevada Municipal Code shall not be construed to mean that prosecution of the specific charge is required to proceed under this subchapter, nor shall it be construed to mean the nuisance activity must be proven beyond a reasonable doubt. Rather, in determining whether a property is a nuisance property, the city shall apply the criteria of this section using a preponderance of evidence as the standard of proof. Any determination pursuant to this section shall be subject to administrative appeal and/or court review as set forth in this subchapter.
4. Penalty. The City may issue a municipal infraction citation to the owner or any occupant of a dwelling unit, or both, for a violation of any of the provisions of this subchapter or of this code, in addition to the assessment of infraction points against such dwelling unit hereunder for the same conduct or incident which forms the basis of the municipal infraction citation or citations against the owner or occupant of such dwelling unit.
5. Suspension. In the event any dwelling unit that is covered by this subchapter is assessed one  Level 1 infraction point, two Level 2 infraction points, three Level 3 infraction points or a combination of Level 1, 2, 3 infractions points in rolling 12-month period under the provisions of this subchapter, the minimum rental housing occupancy permit covering such dwelling shall be subject to suspension as provided in this section for a period of six months if the occupancy permit has not been previously suspended, or for 12 months, if the dwelling unit’s occupancy permit has previously been suspended under this subchapter. For purposes of this section, any points assessed against a dwelling unit shall be deemed to have been assessed as of the date that the conduct upon which the founded complaint which led to the assessment of points actually occurred.