

***As of 06/22/2022**

CHAPTER 158

PROPERTY MAINTENANCE AND RESIDENTIAL RENTAL CODE

158.01 Purpose

158.02 Adoption of Code

158.12 Withholding or Denial of Certificates

158.13 Violations and Penalties

158.14 Fees

158.15 Appeals

158.16 Variances

158.17 Public Nuisance Property

158.03 Applicability

158.04 Definitions

158.05 Interpretation

158.06 Code Enforcement Officer

158.07 Registration and Inspection Certificate Required

158.08 Inspection Procedures

158.09 Rental Housing Standards

158.10 Mobile Homes

158.11 Revocation and Suspension of Certificates

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 dwelling units within residential rental buildings that are now in existence or hereafter constructed, habilitated, renovated, or converted to residential rental 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 transitional 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, 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 or designee contact information including but not limited to:
 - a) Mailing addresses
 - b) Telephone numbers
 - c) 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.

3. Rental Inspection Certificate. Certificates shall be readily available for examination by the Building and Zoning Official at all times.
4. Certificate Duration and Validation. Certificate shall expire at the end of four (4) years following its date of issuance, or from the listed expiration date, unless suspended or revoked as hereinafter provided.
5. Certificate Renewal. Certificates shall be revoked if not renewed within forty-five (45) days from the date of expiration. Renewal shall include an inspection of rental property for compliance to provisions within this chapter.
6. Transfer of Ownership. A notice to the Building and Zoning Department is required from the owner within seven (7) days 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.

7. 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 four (4) 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.

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 the rental dwelling unit(s). 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 four (4) 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 (continual violations)
- c) Tenant/management complaints (resulting in violations)
- 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.

3. 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 managing agent
- b) When the inspection is against the will of the tenant without the building owner and/or managing 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 managing agent, tenant of the dwelling, or the designated managing 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 or 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 dwelling unit or portion thereof that is accessible to the tenant, 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 working water closet, lavatory, bathtub or shower;
2. Lack of working or existing kitchen sink;
3. Lack of hot and cold running water to plumbing fixtures requiring hot and cold water;
4. Lack of heating facilities;
5. Lack of or improper ventilating equipment for mechanical equipment: i.e. water heater, furnace.
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 from improper maintenance of the building;
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 if service is provided by the Landlord;
13. Lack of valid minimum rental housing occupancy permit for the dwelling unit;
14. Structural Hazards, including:
 - (a) Deteriorating or inadequate foundations;
 - (b) Defective or deteriorating flooring or floor supports;
 - (c) Flooring or flooring supports of insufficient size to carry imposed loads with safety;
 - (d) Members of wall, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
 - (e) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
 - (f) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;

- (g) Members of ceiling, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;
- (h) Fireplaces or chimneys which list, bulge or settle due to material deterioration; and
- (i) 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:

- (a) Deteriorated, crumbling or loose plaster caused by weather or improper maintenance;
- (b) Deteriorating or ineffective water-proofing of exterior walls, roofs, foundations or floors, including broken windows or doors caused by weather or improper maintenance;
- (c) 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
- (d) 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 violation of the International Fire Code adopted by the City of Nevada 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 harborage, stagnant water, combustible materials and similar materials or conditions constitute fire health or safety hazards. Located in City Code Chapter 50 & 51

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 habitable spaces shall have reliable means of egress that do not require special keys, tools, or knowledge to operate. Exits shall consist of a walk out door, fire escape rated for the occupancy level of the floor, having a width of not less than 32 inches, and made of non-combustible material. Windows below grade and not more than a height of 70 feet may serve as an emergency rescue egress point, only in existing buildings where exiting is inadequate. Nothing in this section permits violation of City of Nevada ordinance 165.16.D (3) requiring two separate means of egress from residential dwelling units within the downtown district. All buildings or portion thereof 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, or additional fire protection added in lieu of construction. The Authority Having Jurisdiction (AHJ) can approve the installation of a fire alarm system or automatic sprinkler system to correct inadequate required exits

24. Inadequate fire-resistive construction or firefighting equipment.

- (a) 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: 5/8-inch fire rock can be added to interior walls on legacy buildings to provide an approved layer of fire protection. Doors to a rated corridor shall be solid wood with a 20 min rated UL tag on the door jam.
 - (i) 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
 - (ii) 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.
- (b) 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. The AHJ may provide a variance to a sprinkler system when required if there are additional approved exits installed along with other fire protection features, such as but not limited to a) fire rated construction, b) the installation of a complete addressable fire alarm which is capable of notifying all tenants, or another fire protection device approved by the AHJ.

25. 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. The AHJ shall issue an immediate cease and desist order to anyone occupying a space not approved or designed for human habitation.

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 REVOCATION AND SUSPENSION OF CERTIFICATES. Any rental inspection certificate may be summarily revoked and/or suspended by the Building Official 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.

158.12 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.

158.13 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 of the City Ordinance. 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).

158.14 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.

158.15 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.

158.16 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 compliance 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.

158.17 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 and does not disturb the health, safety, 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 stated above shall constitute a public nuisance.

[The next page is 825]