

TITLE VI  
BUILDING REGULATIONS  
CHAPTER I  
HOUSING CODE

AN ORDINANCE TO REPEAL CHAPTER I OF TITLE VI OF THE 1999 MUNICIPAL CODE OF THE CITY OF URBANDALE, IOWA, AND ADOPT BY REFERENCE A COMPLETE HOUSING CODE REGULATING THE MAINTENANCE AND MINIMUM SIZE OF BUILDINGS AND STRUCTURES USED FOR RESIDENTIAL PURPOSES; TO PROVIDE FOR MAINTENANCE INSPECTIONS, FEES AND THE ISSUANCE OF RENTAL HOUSING CERTIFICATES; AND TO PROVIDE PENALTIES FOR VIOLATIONS

Be it Ordained by the Council of the City of Urbandale, Iowa:

SECTION 1.0000. That Chapter I of Title VI of the 1999 Municipal Code of the City of Urbandale, Iowa, is hereby repealed by inserting in lieu thereof the following:

SECTION 2.0000. Short Title:

This Ordinance shall be known as the City of Urbandale, Iowa, Housing Code, and may be cited as such and will be referred to herein as "The Ordinance" or "This Code".

SECTION 3.0000. Adoption of Housing Code:

Pursuant to published notice and public hearing as required by law, the International Property Maintenance Code, 2003 Edition, published by the International Code Council and commonly known as the International Property Maintenance Code, is hereby adopted in full except for such portions as may be hereinafter deleted, modified or amended, and will be referred to herein as the IPMC.

An official copy of the IPMC, 2003 Edition, as adopted, and a certified copy of this Ordinance are on file in the office of the Building Official. A copy of the IPMC, 2003 Edition, and a copy of this Ordinance have

been furnished to the Municipal Library. All newspapers of general circulation published in this City have received a copy of this Ordinance.

SECTION 4.0000. Amendments, Modifications, Additions and Deletions:

The following amendments, modifications, additions and deletions to the IPMC, 2003 Edition, are hereby made:

- 4.0101. Amend Section 101.1 by inserting 'City of Urbandale' in the brackets.
- 4.0102. Amend Section 101.2 by deleting the words "and nonresidential" so that the scope of this ordinance and code is limited to housing only.
- 4.0103. Amend Section 101.3 by deleting "International Existing Building Code" from the last sentence, and replacing it with: "applicable codes that have been adopted by the City of Urbandale."
- 4.0104. Amend Section 102.3 by deleting the words "International Existing Building Code" and "International Zoning Code", and replacing them with: "applicable codes that have been adopted by the City of Urbandale."
- 4.0105. Add Subsection 102.9 - Interpretation of Standards:

"In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or Ordinances, the provisions of this Ordinance shall control.

Words used in the present tense shall include the future, the singular number shall include the plural and the plural number includes the singular; the word "shall" is mandatory, the word "may" is permissive; the word "person" includes a firm association, organization,

partnership, trust, company, corporation, or any other legal entity as well as an individual; the words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied."

4.0106. Add a Subsection 102.11 as follows: "No building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official in the manner and according to the applicable conditions prescribed in the building code.

Where work for which a permit is required by the building code is started or proceeded with prior to obtaining said permit, a penalty fee shall be assessed at the discretion of the Building Official that is not in excess of the permit fee, but the payment of such penalty fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein."

4.0107. Amend Section 103, by replacing the words 'department of property maintenance inspection' with the words "Building Department", and by replacing the words 'code official' with the words "Building Official". Throughout this code wherever these words appear this is how they shall be interpreted.

4.0108. Amend Section 103.5 by adding: - "Procedure for Housing Inspection Fee:

For each inspection required by this Code there shall be paid to the City Treasurer the following fees:

1. For each single family dwelling, or first unit in a duplex - \$50.00.
2. For the second dwelling unit in a duplex

\$15.00.

3. For each dwelling unit in a multi-family building, including the common areas:
  - a. 1<sup>st</sup> unit per building-initial inspection - \$50.00
  - b. Each additional unit - initial inspection - \$16.00
  - c. second and subsequent reinspections - \$8.00 per dwelling unit.

any person, or the agent, manager, or other person in charge and control of such structure, shall make application for inspection of the structure accompanied by the fee assigned above. Application for inspection shall include the following information:

1. Legal description and address of the subject property.
2. Name of the applicant and the interest held in the property; the record title holder if different from the applicant; the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of and lease of records; and any contract buyer.
3. Any additional information required by the Building Official.

The Building Official shall then schedule an inspection as soon as practical. Upon inspection the Building Official shall:

- a. Issue a certificate of inspection if the correct fee has been paid and the structure has been found to be in compliance with this Code; or
- b. Formally notify the applicant of violations of this Code found in the inspection and of a period of time which shall be allowed for

corrections, in accordance with the procedures set forth in Section 107.

- c. After re-inspection fees have been paid and corrections have been made, the certificate of inspection shall be issued."

4.0109. Add Subsection 104.9 - Inspection Schedule:

"Non-Owner Occupied Inspection Schedule: The Building Department shall seek to inspect every residential non-owner occupied dwelling within the corporate limits of the City. The frequency of inspection shall be at the discretion of the Building Official, but should occur at least once every two years. Factors that may influence more frequent inspections include but are not limited to:

- a. Age and condition of dwelling
- b. Inspection history
- c. Tenant / management complaints
- d. Natural disasters such as flooding

It is the responsibility of the owner to make certain that their non-owner occupied property has a valid inspection certificate. However, the City may schedule inspection appointments with the owner or agent of the property by regular mail a minimum of thirty days in advance of the inspection. The owner or agent may request that the appointment be rescheduled within 30 days of the original date. It shall be the owner or agent's responsibility to notify all tenants of the inspection date and time, in accordance with Iowa law.

Owner-occupied units shall be inspected upon receipt of a complaint as set out in Section 4.0110, or may be inspected at any time by the Building Official upon evidence of a violation. Non-owner occupied units shall be inspected upon receipt of a complaint as set

out in Section 4.0110 in addition to regularly scheduled inspections."

Multi-family complexes shall submit a completed checklist one year after the housing inspection, to verify that the life-safety features are being properly maintained.

4.0110. Add Subsection 104.10 - Complaints:

"A complaint shall be filed by a neighbor or an occupant of the housing unit in question, and shall include the following minimum information and be accompanied by the required fee to be considered:

- a. The complainant's name, address and telephone number;
- b. The address of the housing unit in question;
- c. The items that are causing the housing unit to be in non-compliance with this Ordinance;
- d. Payment of the inspection fee as specified by Section 4.0108 of this ordinance. The fee shall be refunded to the complainant and charged to the owner if the housing unit is in non-compliance."

4.0111. Add Subsection 105.5 - Inspection Certificate:

"An inspection certificate shall be issued upon compliance with this Code and shall be readily available for observation. In multi-family housing, the certificate shall be posted in a conspicuous location.

The certificate shall be transferable to succeeding owners. Every certificate shall be valid for the time specified in the regular inspection schedule established in Section 4.0109 unless sooner suspended or revoked.

A valid inspection certificate shall have been

applied for by December 9, 1981 after which time no person shall rent, lease, let, operate, or otherwise allow the occupancy of any non-owner occupied housing unit unless such application has been made. After December 9, 1983 no person shall rent, lease, let, operate, or otherwise allow the occupancy of a non-owner occupied housing unit unless they have a valid inspection certificate."

4.0112. Add Subsection 105.6 - Notice of Sale:

"Every person holding an inspection certificate as required in Section 4.0111 shall give notice in writing to the Housing Inspector within thirty (30) days after having sold, transferred, conveyed, or otherwise disposed of his ownership of, interest in or control of the housing or rooming unit. The notice shall include the name and address of the person succeeding to the ownership or control thereof."

4.0113. Amend Section 106.4 by adding the following:

"Citations may also be issued under Chapter 22 of Title V of the Municipal Code."

4.0114. Add the following to the end of Subsection 107.2, Item #4: "but in no case more than eighteen (18) months unless a time extension not to exceed an additional eighteen (18) months, is granted by the Board."

4.0115. Delete Section 111.1 through 111.8 and replace with: "Board Makeup And Hearings

In order to hear and decide appeals of orders, decisions or determination made by the building official relative to the application and interpretations of this code, there shall be and is hereby created a housing advisory and appeals board consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be

an ex-officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The housing advisory and appeals board shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. Copies of all rules of procedure adopted by the board shall be delivered to the building official, who shall make them accessible to the public.

The housing advisory and appeals board shall have no authority relative to interpretation of the administrative provisions of this code and the board shall not be empowered to waive requirements of this code.

The Board shall consist of the same members who comprise the Board of Appeals which serves for the Building Code, and who are hereby appointed to this Board. Rules set forth in the Building Code govern this Board except as modified herein.

The Board may grant a variance in a specific case and from a specific provision of this Ordinance subject to appropriate conditions and provided the Board makes specific findings of fact based on evidence related to the following:

1. That there are practical difficulties or unnecessary hardships not purely economic in nature in carrying out the strict letter of any notice or order; and that such difficulties or hardships are not generally applicable to other properties; and
2. That the effect of the application of the provisions would be arbitrary in the specific case; and
3. That a time extension of not more than eighteen (18) months would not constitute

an appropriate remedy for these practical difficulties or unnecessary hardships and this arbitrary effect; and

4. That such variance is in harmony with the general purpose and intent of this Ordinance in securing the public health, safety and general welfare.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance; provided, however, that the action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and vote of each member participating therein, has been filed. Such resolution, immediately following the Board's final decision, shall be filed in the office of the Board, and shall be open to public inspection. Every variation and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.

Any taxpayer, or any officer, department, board or bureau of the City of Urbandale, or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, duly verified setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

If any application for a variance or exception shall have been denied by the Board, then no new application for the same relief shall be considered by the

Board unless the Board shall find that conditions have changed."

- 4.0301. Amend Section 302.4 by inserting 12 inches as the maximum weed height.
- 4.0302. Amend IPMC Subsection 303.2 by adding the IBC exception to the barrier/enclosure requirements: "A swimming pool with a power safety cover or a spa/hot tub if it is equipped with a lockable top cover, which is factory designed for the unit."
- 4.0303. Amend Section 304.14, Insect Screens, by inserting "April 15<sup>th</sup> to October 15<sup>th</sup>" as the applicable dates.
- 4.0304. Amend Section 306.1, Handrails and Guardrails, by deleting the last sentence of the provision, which relates to guard height, and inserting the following:  
"Guardrails shall be not less than 36" high(public or common areas in multi-family shall be minimum 42" high) and if unenclosed shall have intermediate rails or an ornamental pattern such that no object in excess of four inches in diameter can pass through.  
Exception: For buildings constructed prior to 1996, handrails and guardrails which are structurally sound may provide the same height and opening protection/restriction as was required by the building code when the structure was originally constructed."
- 4.0401. Add Subsection 404.8 as follows: "Minimum square footage requirements for finished floor area shall apply only to dwellings constructed after June 11, 1963. All other provisions of this Ordinance for minimum room size shall apply to all housing units except as noted."  
  
Square foot requirements for private dwellings: Dwellings of each class specified hereafter shall contain not less than the square footage of finished living area set forth opposite the class designations. This area is exclusive of unfinished area.

- (1) For lots less than seventy (70) foot frontage:

<u>Dwelling Class</u>	<u>Square Feet</u>
Single story without full basement	1,100
Single story with full basement	960
One and one-half (1-1/2) story without full basement	1,360
One and one-half (1-1/2) story with full basement	1,275
Split foyer	1,248
Split level	1,248
Two story without full basement	1,600
Two story with full basement	1,440

- (2) For lots with seventy (70) foot, or more than seventy (70) foot frontage:

<u>Dwelling Class</u>	<u>Square Feet</u>
Single story without full basement	1,150
Single story with full basement	1,040
One and one-half (1-1/2) story without full basement	1,500
One and one-half (1-1/2) story with full basement	1,425
Split foyer	1,398
Split level	1,398
Two story without full basement	1,700
Two story with full basement	1,536

- (3) The above and foregoing minimum provisions shall be exclusive of and shall not include carports, breezeways and garages.
- (4) No dwellings shall be constructed or occupied consisting of less than one story above the grade level of the lot.
- (5) For the purpose of this Ordinance, the following shall be applicable:
  - a. Finished living area defined as floor area, of an elevation not more than forty-two (42) inches below finished

grade, which is suitable for occupancy and which is "as finished" in construction as to floors, walls, ceilings, and openings as is normal in a complete house.

b. Dwelling classification of a specific dwelling shall be determined, in case of dispute, by the Board of Appeals.

(6) The minimum horizontal dimension of a single family detached dwelling shall be 20 feet for at least 65 percent of the longer horizontal dimension of the dwelling, said dimensions to be exclusive of attached garages, porches, or other accessory structures, unless such dwelling is located in an approved mobile home park.

(7) No structure or vehicle shall be considered a dwelling unless it has a minimum floor area of 320 square feet in addition to meeting all other requirements of City ordinances."

4.0601. Amend Section 602.3, Heat supply, by inserting "September 1<sup>st</sup> through May 30<sup>th</sup>" as the dates when the heat supply shall be available for dwellings.

4.0602. Amend Section 602.4, Occupiable work spaces, by inserting "September 1<sup>st</sup> through May 30<sup>th</sup>" as the dates when the heat supply shall be available.

4.0603. Amend Section 605.2, Receptacles, by adding: "non-owner occupied dwelling units shall be provided GFCI protected electrical receptacles in bathrooms."

4.0701. In Subsection 702.4 add the following exception:

"Exception: Construction existing prior to December 27, 1979 need not meet the standard minimum clear opening sizes and sill height requirement but shall have minimum clear

opening width and height dimensions of 18 inches. These windows shall also have a minimum finished sill height of not more than 48 inches above the floor.

Mobile homes need not meet this section if all exit doors are clear and in good working order."

4.0702. In Subsection 703.2 add the following:  
"Dwelling exits into exitways serving three or more dwelling units shall be equipped with doors of 20 minute fire rating that are smoke and draft controlling. In lieu of fire rated doors they may be 1 3/4" nominal dimension solid-core doors."

SECTION 5.0000. If any section, provision, or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 6.0000. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Urbandale, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Donald J. Brush, MAYOR

ATTEST:

\_\_\_\_\_  
Deb Mains, City Clerk

Passed \_\_\_\_\_

Signed \_\_\_\_\_

Published \_\_\_\_\_