ORDINANCE # 6224

AN ORDINANCE to amend Title 17 entitled "Housing" of the Municipal Code of The City of Council Bluffs, Iowa, by amending Chapter 17.

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

17.01.005 - Purpose and intent.

(a) The purpose of this title is to:
   (1) contain and eliminate urban blight and deterioration of real property and neighborhoods;
   (2) prevent the development of conditions that are hazardous to public health or safety;
   (3) assure that dangerous conditions be abated; and,
   (3) protect the health, safety, and general welfare of the public as a whole, not individuals.

(b) To achieve the purpose of this title, it is the intent of this title to:
   (1) define the responsibility of owners, operators, and occupants of dwellings in securing city-wide compliance with minimum physical standards for real property;
   (2) establish minimum quality standards for all residential dwellings, dwelling units, roaming houses, and rooming units; and provide for the enforcement of those minimum quality standards;
   (3) establish a baseline for minimum design and installation standards for dwelling units that were constructed without benefit of codes; and,
   (4) establish a rental inspection program that has the authority, responsibility, and administrative mechanism to inspect (i) rental dwelling places through a regular, systemic, and area-by-area procedure and (ii) specific rental dwelling places on a complaint or emergency basis.

(c) The provisions of this title shall apply uniformly to (i) the construction, maintenance, use, and occupancy of any new residential building or structure and (ii) the alteration, repair, equipment, use, occupancy, and maintenance of any existing residential building or structure.

(d) An existing residential building or structure is deemed to be in compliance with the design or installation standards of this title if it is in compliance with the construction code(s), if any, in effect at the time it was originally constructed, converted, or substantially rehabilitated. An existing residential building or structure is deemed to be in compliance with the design or installation standards of this title if it were legally constructed, converted, or substantially rehabilitated without the benefit of code(s).

   Exception: Any conversion or substantial rehabilitation of an existing building or structure that has an adverse effect on the integrity of its structure or structural systems is not deemed to be in compliance with the design or installation standards of this title.

(e) Any alteration, modification, repair, or change of any residential building or structure must comply with the construction code in effect at the time an application for a permit for such alteration, modification, repair, or change is submitted and a permit issued.

(Ord. 4816 § 1, 1987).

17.01.010 - Definitions.
For the purposes of the interpretation and enforcement of this title, the following definitions apply:

(1) "Approved" means approved or set forth by state statute or local ordinance.

(2) "Basement" means that portion of a building that is partly or completely below grade (see "story above grade").

(3) "Bath" means a bathtub or shower stall.

(4) "Bathroom" means that room that contains the toilet, lavatory, and bath.

(5) "Bedroom" means a habitable room within a dwelling or dwelling unit that is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen, dining room, or living room in which cots, rollaway beds, or davenports may be used for sleeping purposes.

(6) "Building official" means the chief building official or his or her designee of the building inspection division or any successor division or department.

(7) "Cellar" means a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(8) "Dining room" means a habitable room used or intended to be used for the purpose of eating, but not for the cooking or preparation of food.

(9) "Dwelling" means any building or structure, except temporary housing, that is wholly or partly used or intended to be used for living or sleeping by human occupants, but shall not include dormitories, hotels, or motels. Whenever the word "dwelling" is used in this title, it shall be construed as though it were followed by the words "or any part thereof."

(10)"Dwelling unit" means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities that are used or intended to be used for living, sleeping, cooking, or eating. Whenever the term "dwelling unit" is used in this title, it shall be construed as though it were followed by the words "or any part thereof."

(11)"Exit" means a continuous and unobstructed means of egress to a public way and shall include intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, exit passageways, exit courts, walkways, sidewalks, and yards.

(12)"Extermination" means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; or, by poisoning, spraying, fumigating, trapping, or any other pest elimination methods approved by appropriate state or federal agencies.

(13)"Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, marketing, or processing of food, or the non-consumed waste resulting from animals or humans consuming food.

(14)"Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, toilet compartments, laundries, pantries, foyers, communicating corridors, halls, closets, utility or storage spaces, stairways, and similar areas.

(15) "Historic building" means any building or structure that is listed in the National Register of Historic Places, designated as a historic property or local landmark under local or state designation law or survey, certified as individually eligible or a contributing resource within a National Register-listed or locally designated historic district, or with an opinion or certification that the property is eligible to be listed on the National Register of Historic Places either individually or as a contributing building to an historic district by the State Historic Preservation Officer, the Keeper of the National Register of Historic Places, or the building official.

(16)"Infestation" means the significant presence of any insects, rodents, or other pests within a dwelling or on the dwelling premises.

(17)"Kitchen" means a habitable room used or intended to be used for the cooking or preparation of food.

(18)"Lavatory" means that fixture that is commonly referred to as a "bathroom sink."

(19)"Living room" means a habitable room that is used or intended to be used primarily for general living purposes, but not for sleeping or cooking.

(20)"Minimum quality standards" means those standards that address basic equipment and facilities for light, ventilation, and thermal conditions; safety from fire or accident; an adequate level of maintenance; and, the use, location and, amount of space for human occupancy;

(21)"Non-dwelling structure" means any structure, except a dwelling or rooming house, used or intended to be used for the shelter or enclosure of any person, animal, or property of any kind.

(22)"Occupancy" means the act or acts of living, sleeping, or cooking in, or having actual possession of, a dwelling, dwelling unit, or rooming unit.

(23)"Occupant" means any person over one (1) year of age, including an owner or operator, living, sleeping, or cooking in, or having actual possession of, a dwelling, dwelling unit, or rooming unit.

(24)"Operator" means any person who has charge, care, or control of a building, or any part thereof, in which any dwelling units or rooming units are let, either as owner or agent of the owner.

(25)"Owner" means any person who alone or jointly or severally with others:
(A) has legal title or equitable title to any dwelling, dwelling unit, rooming house, or rooming unit;
(B) has charge, care, or control of any dwelling, dwelling unit, rooming house, or rooming unit as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.

(26)"Person" means and includes any individual, firm, corporation, association, partnership, or similar entity.

(27)"Plumbing" means and includes all of the following facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, lavatories, baths, installed clotheswashing machines, catch basins, drains, vents, hot water heaters, and any other similar fixtures, together with all connections to water, sewer, or gas lines.

(28)"Premises" means a platted lot, or part thereof, or unplatted lot or parcel of land, either occupied or unoccupied by any dwelling or non-dwelling structure.

(29)"Public or common hall" means a hall, corridor, or passageway not within the exclusive control of the occupants of one (1) dwelling unit or rooming unit.

(30)"Plumb" means the exterior walls or other vertical structural members do not list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle one-third (1/3) of the base.

(31)"Rental property" means any dwelling, dwelling unit, rooming house, or rooming unit that is occupied by a person or persons other than the owner of record, a member of the owner of record's family, or a person or persons either a beneficiary of a trust or a surviving spouse that includes the property in the trust estate. For purposes of this title, a member of a "family" includes the spouse, child(ren), parent(s), grandchild(ren) and grandparent(s) of the owner of record.

(32)"Roomer" means an occupant of a rooming house who is charged rent and is not a member of the rooming house owner's or operator's family.

(33)"Rooming house" means any dwelling or that part of any dwelling containing one (1) or more rooming units in which space is let by the owner or operator to one (1) or more roomers.

(34)"Rooming unit" means any room or group of rooms forming a single habitable unit in a rooming house, used or intended to be used for living or sleeping, but not for cooking or eating.

(35)"Rubbish" means any combustible or non-combustible waste material, except garbage.

(36)"Safety" means the condition of being reasonably free from danger or hazards that may cause accidents or disease.

(37)"Story above grade" means any story having its finished surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement meets any one (1) of the following:
(A) is more than six (6) feet above grade plane;
(B) is more than six (6) feet above the finished ground level for more than fifty percent (50%) of the total building perimeter; or,
(C) is more than twelve (12) feet above the finished ground level at any point.

(38)"Toilet" means a water closet with a bowl and trap made in one piece, which is of such shape and form and which holds a sufficient quantity of water so that fecal matter will not collect on the surface of the bowl, and which is equipped with flushing rims which permit the bowl to be properly flushed and scoured when water is discharged through the flushing rims.

(39)"Violator" means any person who has violated any provision of this title.
(Ord. 5277 § 1, 1996).
(Ord. No. 6047, § 1, 2-22-2010).

17.01.020 - Terms defined in other codes.
Where terms are not defined in this code and are defined in the building, plumbing, or mechanical codes, they shall have the same meanings ascribed to them as in those codes.
(Ord. 4359 § 2 (part), 1980).

17.01.030 - Terms not defined.
Where terms are not defined under the provisions of this code or under the provisions of the building, plumbing, or mechanical codes, they shall have ascribed to them meanings as reasonably implied by context herein or by their ordinarily accepted meanings.

17.01.040 - Punishment for Violations of Title 17.
Any violation of any provision of this title shall be punished as a simple misdemeanor, wherein the penalty is a fine not to exceed five-hundred dollars ($500) or a jail sentence not to exceed thirty (30) days. At the sole discretion of the city attorney, the city may elect to pursue any violation of any provision of this title as a municipal infraction, as set forth in chapter 1.95 of the municipal code.

Chapter 17.02 - INTERNATIONAL PROPERTY MAINTENANCE CODE
17.02.010 - Adoption.
The "International Property Maintenance Code," 2009 Edition, as approved and published by the International Code Council, including also the "Referenced Standards," contained therein, all as modified or amended herein, is adopted as the property maintenance code of the city, a copy of which is to remain on file in the office of the building official.
(Ord. No. 6108, § 1, 11-8-2010)

17.02.020 - Section 101.1 amended—Title.
Section 101 is amended as follows:
These regulations shall be known as the Council Bluffs Property Maintenance Code, hereinafter referred to as "this code".
(Ord. No. 6108, § 2, 11-8-2010)

17.02.030 - Section 103.5 amended—Fees.
Section 103.5 is amended as follows:
The fees for activities and services performed by the city in carrying out its responsibilities under this code shall be as indicated in section 2.08 of the municipal code.
(Ord. No. 6108, § 2, 11-8-2010)

17.02.040 - Section 104.7 amended—Department records.
Section 104.7 is amended as follows:
The building official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period of time required by applicable law for retention of public records.
(Ord. No. 6108, § 2, 11-8-2010)

17.02.050 - Section 111.1 amended—Application for appeal.
Section 111.1 is amended as follows:
Any person directly affected by a decision of the building official or a notice or order issued under this code shall have the right to appeal to the board of appeals pursuant to section 13.01.110.
(Ord. No. 6186, § 1, 7-22-2013)

17.02.065 - Swimming pools, spas, and hot tubs enclosures.
Section 303.2 is amended as follows:
Enclosures. Private swimming pools, hot tubs, and spas, capable of containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and door in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side

of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No exiting pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.
(Ord. No. 6108, § 2, 11-8-2010)

17.02.68 - Section 304.13 amended—Window, skylight, and door frames
Section 304.13 is amended as follows:
304.1 Window, skylight and door frames. Every window, skylight, door, and frame shall be kept in sound condition, good repair and weather tight.

304.1.1 Glazing. All glazing materials shall be maintained in a manner that when closed forms a reasonably tight seal. Any window designed to be opened must be operable, and cannot be painted or nailed shut.

304.1.2 Openable windows. Every bedroom shall have at least one (1) window.

17.02.070 - Section 304.14 amended—Insect screens.
Section 304.14 is amended as follows:
During the period of April 1st to October 31st, every door, window, and other outside opening required for ventilation of any habitable room, food preparation area, 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 swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains, air conditioning, or insect repellent fans, are employed.
(Ord. No. 6108, § 2, 11-8-2010)

17.02.75 - Section 305.3 amended - Interior surfaces.
Section 305.3 is amended as follows:
All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition, normal wear and tear excepted. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered, cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected, normal wear and tear excepted.

17.02.76 - Section 308 adopted - Rubbish and garbage.
Section 308 is adopted, as follows:

308.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any significant accumulation of rubbish or garbage.

308.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

308.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

308.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

308.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

308.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

17.02.77 - Section 309 adopted - Pest elimination.
Section 309 is adopted.

17.02.080 - Section 402.1 repealed - Habitable spaces.
Section 402.1 is repealed.

17.02.081 - Section 402.2 amended - Common halls and stairways.
Section 402.2 is amended as follows:
402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one and two family dwellings, shall be lighted at all times with at least a 60watt standard incandescent light bulb or equivalent illumination for each 200 square feet (19 m^2) of floor area.

17.02.082 - Section 402.3 repealed - Other spaces.
Section 402.3 is repealed.

17.02.085 - Section 404.6 amended by adding subsection 5—Efficiency unit.
Section 404.6 is amended by adding subsection 5 as follows:
5. A unit that was registered with the city as rental property during the calendar year 2002 that did not meet the standards of this section shall continue to be deemed in compliance with this section, subject to the following conditions:
a. It is occupied by no more than one (1) person.
b. It has a clear floor area of not less than 150 square feet, including the areas required by paragraphs 2 and 3; and,
c. The owner of the unit requested a certificate of compliance from the city by March 1, 2003, and upon verification of the information the city issued a certificate of compliance.
(Ord. No. 6108, § 2, 11-8-2010)

17.02.090 - Section 602.3 amended—Heat supply.
Section 602.3 is amended as follows:
Every owner or operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory, or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees F. in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:
1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required, provided that the heating

system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the International Energy Conservation Code as adopted in chapter 13.12 of the municipal code.

2. In order to attain compliance with the winter outdoor design temperature criteria, listed portable heat appliances may be utilized to augment heating plants that are deemed operational and safe but cannot attain the minimum standard for conditioned space requirements.
3. Room temperature shall be measured at a distance of two feet (2') in from an exterior wall and at a height of three feet (3') above the floor.

(Ord. No. 6108, § 2, 11-8-2010)

17.02.100 - Section 602.4 repealed—Occupiable work spaces.
Section 602.4 is repealed.

17.02.200 - Section 702.4—amended—emergency escape openings.
Section 702.4 is amended as follows:
Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following:

A. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, gates, or similar devices are permitted to be placed over emergency escape and rescue openings, provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices are releasable or removable from the inside without the use of key, tool, or force greater than that which is required for normal operation of the escape and rescue opening.

B. Any room used or designed as a bedroom shall be provided with an emergency escape opening (window or door) designed and installed in accordance with the International Residence Code section R310, 2009 Edition. Pursuant to the National Fire Protection Association Life Safety Code NFPA 101 (2009 edition), the building official may grant an exception to window size for a story above grade room used or designed as a bedroom in a residential structure constructed prior to 1976.

(Ord. No. 6108, § 2, 11-8-2010)

Chapter 17.09 - INSPECTIONS
17.09.005 - Definitions.
"Out of compliance" shall be defined as: a building classified as a dangerous structure or premises as described and defined in Section 108 of the 2009 IPMC; a building found to have more than three (3) separate violations of Section 304 of the 2009 IPMC; or, a building found to have more than five (5) separate violations of Sections 305 and 306 of the 2009 IPMC.
(Ord. No. 6113, § 2, 12-13-2010).

17.09.010 - Inspection by building official.
The building official is authorized and directed to enter and make such inspections as are necessary to determine the condition of dwellings, dwelling units, rooming houses, rooming units, and the premises thereof in order that he or she may perform his or her duty of safeguarding the public health, safety, and welfare.
(Ord. 4359 § 2 (part), 1980).
(Ord. No. 6113, § 2, 12-13-2010).

17.09.020 - Owner and operators of rental property to register with city.
(a) Each owner or operator of rental property shall register such rental property with the building official. Each rental dwelling unit shall be registered annually. A registration is effective from January 1st

until and including the December 31st immediately following. A registration that is set to expire must be renewed for the next annual registration period no later than December 31st of the current period, though such renewal cannot be sought or granted sooner than December 1st of the current period.

(b) The building official shall provide an application form (written or electronic) that must be used to fulfill the registration requirements of this title. The form must be completed and updated upon request by the owner or operator of rental property. The form shall also require the following information:
(1) the street address of the dwelling or roominghouse;
(2) the number of rental units contained in the dwelling or roominghouse; and,
(3) the name, address, telephone number, and e-mail address of the owner and any agent of the owner of the dwelling or roominghouse.

(c) A registration fee shall be paid, as set forth in the current schedule of fees.

(d) Upon receipt of the application and fee, the city shall provide to the applicant a certification of registration, which shall provide proof that the property is deemed compliant until such time as it is inspected for purposes of obtaining a certificate of compliance.

(e) An owner or operator of rental property who fails to renew a registration timely is still obligated to register such property. During the ninety (90) day period of time following a missed registration deadline, for every thirty (30) days or any portion thereof that a registration is untimely made, a late fee is imposed in an amount as set by the schedule of fees. In addition, if an untimely registration is not made within ninety (90) days of the missed deadline, (i) the registration fee is increased to an amount as set forth by the schedule of fees and, (ii) if the rental dwelling unit is being rented, the owner or operator shall be issued a citation for non-compliance and shall also pay the fee for non-registration in an amount as set by the schedule of fees.

(f) For newly constructed rental housing, the deadline for initial registration is thirty (30) calendar days after the certificate of occupancy has been issued. For rental housing that transfers ownership, the deadline for updated registration is thirty (30) calendar days after the final transfer or the recording of such, whichever is sooner. The deadline for any registration of a roominghouse is fourteen (14) calendar days after the license (not registration) expires.

(g) No person shall rent to another or offer to rent to another any dwelling, dwelling unit, or rooming unit unless the owner or operator of the same has registered the rental property with the city.

(h) The building official shall keep a list of registered rental properties, a copy of which is to remain on file in the office of the building official.
(Ord. 5661 § 1, 2001).

17.09.030 - Program for rental inspection.
(a) Regular Rental Inspections. Regular rental inspections of each rental property shall be inspected in accordance with a program of regular rental inspections conducted not more frequently than yearly nor less than every three (3) years for each rental property.
(1) At the time of registration, the building official shall provide to the applicant a copy of the current criteria by which rental property shall be routinely inspected. These criteria may be presented in any format reasonably calculated to convey the information accurately and concisely. These criteria will be consistent with the provisions of this title. A copy of the criteria is to remain on file in the office of the building official.

(2) If the building official through investigation or by complaint discovers that an owner or operator of rental property has failed to meet the registration requirements of this title, the owner or operator of the rental property shall be (i) fined in accordance with the schedule of fees for each unregistered rental dwelling unit or rooming unit and (ii) such unregistered rental dwelling unit(s) or rooming unit(s) owned or operated by the landlord or operator shall be inspected on an annual basis for a period not to exceed three (3) years.

(3) The building official shall establish a notification process (written or electronic) by which an owner or operator of rental property will be notified in advance of a regular rental inspection of the rental property. A copy of the notification process is to remain on file in the office of the building official.

(b) Other Rental Inspections. Rental property may be inspected on a more frequent basis to ensure compliance with this code based upon one (1) or more of the following criteria:

i. information is received indicating that there is a violation of the provisions of this code ;
ii. an observation is made by any city official of a possible violation of the standards or the provisions of this code;
iii. information is received indicating that a rental property is unoccupied and unsecured or that a rental property is damaged by fire, water, or other causes detrimental to the structure;
iv. a determination must be made whether there is a compliance with a notice or an order issued by a code official;
v. a public health, safety, or welfare emergency is observed or is reasonably believed to exist;
vi. a rental property is to be demolished by the city or the ownership is to be transferred to the city; or,
vii. a rental property is declared a nuisance property pursuant to chapter 8-54 of the municipal code.

(c) Spot Inspections. A spot inspection is an inspection conducted by the building official in one of two ways: either upon the observation by a city official of a rental property obviously and substantially out of compliance, or by lot. This inspection will be scheduled with the owner or operator of the rental property.

(d) Requested Inspections. Upon the request of the owner or operator of a rental property, the building official shall inspect the rental property to determine compliance with the Council Bluffs Property Maintenance Code.

(e) Tenant-requested Inspection. Tenant-requested inspections must comply with the provisions of section 17.09.040. After proper documentation is provided, the building official shall perform an inspection to verify compliance with the Council Bluffs Property Maintenance Code.

(f) Inspections. The building official shall establish a rating system with three classifications: in compliance; substantially in compliance; and, out of compliance.

(1) If after inspection a rental unit is deemed to be in compliance, a certificate of compliance shall be issued;

(2) If after inspection a rental property is deemed to be substantially in compliance, a list of deficiencies shall be provided to the owner or operator with a stipulated time frame in which to make the repairs. The owner or operator shall notify the building official once the identified repairs have been completed; and,

(3) If after inspection a rental property is deemed to be out of compliance, a list of deficiencies shall be provided to the owner or operator with a stipulated time frame in which to make the repairs. Upon completion of the repairs, the owner or operator shall schedule a no-charge reinspection of the rental property to confirm compliance. If the building official finds at that time that the repairs have not been completed successfully, the owner or operator shall be required to pay the

reinspection fee set out in the current schedule of fees for each successive reinspection required to confirm compliance.

(g) Hierarchy List. The building official shall provide a hierarchy list, which shall set forth the current classification of deficiencies or various other conditions of non-compliance with the standards established by this title, according to relative importance or inclusiveness. A copy of the hierarchy list is to remain on file in the office of the building official.

(h) Placarding, When Allowed. Rental property that is deemed unsafe under Section 108 of the International Property Maintenance Code may be placarded and any tenants may be ordered to vacate the structure until such time as the property is brought into compliance. Rental property that is deemed unsafe under Section 108 of the International Property Maintenance Code may be placarded and abated consistent with Iowa Code Section 657A.

(Ord. 5661 § 2, 2001).
(Ord. No. 6113, § 2, 12-13-2010).

17.09.035 – Certificate of Compliance

(a) It is a violation of this code for an owner or operator to allow anyone to rent or occupy any rental property unless the owner or operator holds a valid rental registration and certificate of compliance for the rental property. Unless a rental property is re-inspected, a certificate of compliance is valid for a period of three (3) years from the initial regular rental inspection (as shown as the issue date on the certificate of compliance). A certificate of compliance shall be transferable from an owner or operator to another for the address for which it is applicable. A certificate of compliance in no way signifies or implies that the premises for which it is issued is in conformance or compliance with all portions of applicable law. The city has no liability with regard to a certificate of compliance.

(b) Requirement for Issuance. The city shall issue a certificate of compliance for any rental property upon request by the owner or operator, provided that the rental property meets the following requirements:
   1. the rental property is registered with the building official;
   2. the building official determines all provisions of this title have been complied with by the owner or operator; and,
   3. all required fees have been paid in full;

(c) Withdrawal of Certificate of Compliance. The certificate of compliance, if withdrawn, shall be restored only upon a re-inspection showing compliance with this code and any additional fees paid in full.

(d) New Property. When a certificate of occupancy is issued for construction of a new dwelling containing one (1) or more units, the building official shall issue a certificate of compliance when the registration is complete for all of the rental property's dwelling units or rooming units.

(e) Suspension of Certificate of Compliance. The building official shall suspend a certificate of compliance if the owner or operator has not complied with the requirements set forth in a notice of code violation. A certification of compliance may be suspended for a given dwelling unit or rooming unit without effect on the other dwelling units or rooming units for which the certificate of compliance was issued. The building official shall issue a notice of suspended certification of compliance to the owner or operator giving the reason for suspension and if suspended for a given unit the identity of the unit, as well as stating that (i) the certificate of compliance has been suspended as of the date of notice, (ii) any rental unit that is vacant at the time of suspension or that becomes

vacant during the period of suspension shall not be rented or reoccupied a certificate of compliance is issued, (iii) failure to comply with the terms of suspension is a violation of this code, and (iv) suspension may be appealed to the board of appeals.

17.09.040 - Complaints.
Any person who would like to make a complaint concerning alleged non-compliance with the provisions of this title with regard to any rental property shall do so in the following manner:

(1) the complaint shall be signed and in writing upon a form (written or electronic) to be provided; and
(2) the complaint shall state the address of the premises, the name of the owner or operator (if known), and the nature of the alleged violation with reasonable specificity.

If it is a tenant making a complaint concerning the rental property in which he or she resides, the tenant shall attach a dated copy of the notice in which he or she requested the owner or operator to correct the alleged violation, unless the complaint pertains to an emergency situation.
(Ord. 4816 § 8 (part), 1987).

17.09.050 - Right of entry.
(a) The building official is authorized and directed to enforce all provisions of the city housing and building codes, and to perform his or her duties of safeguarding the public health, safety, and welfare.

(b) The building official is authorized to enter and make inspection to enforce any provision of this code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation that makes such building or premises unsafe, dangerous, or hazardous.

The building official may enter such building or premises at any reasonable time to inspect the same or to perform any duty imposed upon the building official by this code, provided that if such building or premises be occupied, he or she shall first present proper credentials and request entry; and if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner, operator, or other persons having charge or control of the building or premises and request entry.

(c) The building official may make inspections of any rental property at any reasonable time based upon the need for code enforcement determined as required by state law.

(d) If entry is refused for regular request or complaint inspections, the building official shall have recourse to every remedy provided by law to secure entry. When the building official shall have obtained an administrative warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care, or control of any building or premises shall fail or neglect to promptly permit entry by the building official.
(Ord. 4560 § 1, 1984).
(Ord. No. 6113, § 2, 12-13-2010).

17.09.060 - Access by owner or operator.
Every occupant of a rental property shall give the owner or operator access to any part of the rental property for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this title; provided, that the occupant shall be given twenty-four (24) hours written notice prior to any inspection, except in case of emergency when immediate access shall be granted.
(Ord. 4359 § 2 (part), 1980).

17.09.070 - Fees.

(a) For newly constructed rental housing, the administrative fee will commence thirty (30) calendar days after the certificate of occupancy has been issued.

(b) For rental housing that transfers ownership, the administrative fee will commence thirty (30) calendar days after the final transfer and/or its recording, whichever is sooner.

(c) The administrative fee for a roominghouse will commence fourteen (14) calendar days after their license (not their registration) expires.

(Ord. 5312 § 1 (part), 1997).

17.09.075 - Training Program.

The building official is authorized to conduct a voluntary training program for any owner or operator of rental property. The program may provide information to proactively assist owners and operators regarding their compliance obligations under this title. The program may be held at those times and locations and as often as the building official may deem appropriate.

17.09.080 - Unrecorded land contracts or purchase agreements.

For purposes of this title, any residential property that is the subject of an unrecorded land contract or purchase agreement shall be treated the same as rental property. The contract seller shall have the duties, responsibilities, and be subject to the same penalties, both criminal and civil, as the owner of rental property.

(Ord. 5474 § 1, 1999).

17.09.090 - Tenant's Duty to Report Damage to Property.

Within seventy-two (72) hours of causing, witnessing, or discovering any damage to the rental property being leased by the tenant, the tenant shall report this damage in writing (written or electronic) to the owner or operator of the rental property. The tenant shall keep a copy of this report until the owner or operator has given the tenant a written or electronic response that acknowledges receiving the damage report. Any failure by the tenant to timely attempt to notify the owner or operator about the damage shall be deemed a violation of this section and punishable in the same manner as other violations of this title.

For purposes of this section, "damage" shall not include normal wear and tear.

17.09.100 - Tenant's Duty to Report Disabled Smoke Detector.

Within seventy-two (72) hours of discovering a non-functioning smoke detector within the rental property being leased by the tenant, the tenant shall report in writing (written or electronic) this information to the owner or operator of the rental property. The tenant shall keep a copy of this report until the owner or operator has given the tenant a written or electronic response that acknowledges receiving the damage report. Any failure by the tenant to timely attempt to notify the owner or operator about a non-functioning smoke detector within the rental property shall be deemed a violation of this section and punishable in the same manner as other violations of this title. It shall also be a violation of this section for a tenant to intentionally disable a smoke detector within the rental property, which this violation is punishable in the same manner as other violations of this title.

17.09.110 - Tenant's Duty to Keep the Rental Property Free from Nuisance.

Unless otherwise set forth in a written lease agreement, it shall be the duty of the tenant to keep the property being leased free from nuisance. Any failure by the tenant to do so shall be deemed a violation of this section and punishable in the same manner as other violations of this title.

Chapter 17.10 - ENFORCEMENT

17.10.010 - Notice of violation.

Whenever the building official determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation of any of the provisions of this title, he or she shall give written notice of such violation or alleged violation to the owner, operator, or the occupant as the case may require

(Ord. 4359 § 2 (part), 1980).

17.10.020 - Contents of notice of violation.

The notice of violation shall include the following:

(1) a description of the real estate sufficient for identification;

(2) a statement of the reason or reasons why it is being issued;

(3) a correction order allowing a reasonable period of time, as determined by the building official and set forth therein, for the performance of the repairs and improvements required to bring the structure into compliance with the provisions of this code;

(4) in the case of the placarding of structures as unfit for human habitation, an order requiring the occupant to vacate the premises by a specific date and a statement advising the occupant and violator that the utilities may be disconnected at the date upon which the premises is to be vacated; and,

(5) a statement advising the violator or occupant of his or her right to appeal to the building official within the time limits set forth in chapter 17.11.

(Ord. 4359 § 2 (part), 1980).

17.10.030 - Extension of time to correct violations.

(a) The building official may grant an extension of time to complete work necessary to correct the violations set forth in the notice of violation if the building official makes all of the following determinations:

(1) that the violator has made a good-faith effort to complete the required work and that the failure to complete the same in the time granted was not the fault of the violator;

(2) that the granting of an extension of time would not be detrimental to the public health, safety, or welfare; and,

(3) that the violator has presented a reasonable and acceptable written schedule, setting forth specific dates to complete corrective action for each violation listed in the notice.

(b) The order granting an extension shall be in writing and shall be served in accordance with the provisions of section 17.10.040. The order shall also contain a statement advising the violator of his or her right to appeal to the building official within the time limits set forth in chapter 17.11

(Ord. 4816 § 9, 1987).

17.10.040 - Service of notice of violation.

A notice of violation shall be served upon the owner, operator, or the occupant, as the case may require; provided, that such notice shall be deemed to be properly served upon such owner, operator, or occupant if a copy thereof is delivered to him or her personally, or if to an entity is delivered to a corporate representative; or, if not found, (a) by leaving a copy thereof at his or her usual place of abode in the presence of another occupant not less than the age of fourteen (14) years, who shall be informed of the contents thereof, (b) by sending a copy thereof by registered or certified mail with return-receipt requested to his, her, or its last-known address, or (c) if the registered letter with a copy is returned with a receipt showing it has not been delivered, by (i) posting a copy thereof in a conspicuous place in or about the dwelling or (ii) publishing a copy once each week for three (3) consecutive weeks in a newspaper of general circulation within Pottawattamie County, Iowa. *(Ord. 4359 § 2 (part), 1980).*

17.10.050 - Placarding of dwellings, dwelling units, roominghouses and rooming units as unfit for human habitation.

(a) Whenever the building official determines that a dwelling, dwelling unit, roominghouse, or rooming unit is unfit for human habitation, he or she shall placard the same as unfit for human habitation and shall notify the owner and occupant of his or her findings as provided in sections 17.10.020 and 17.10.040

(b) Any dwelling, dwelling unit, roominghouse, or rooming unit that the building official finds to have any of the following defects shall be deemed to be unfit for human habitation:

(c) Any dwelling, dwelling unit, rooming house, or rooming unit may be placarded as unfit for human habitation by the building official if the owner or occupant fails to comply with any order based on the provisions of this title or any rules or regulations adopted pursuant thereto; provided, that such dwelling, dwelling unit, rooming house, or rooming unit is, in the opinion of the building official, unfit for human habitation by reason of such failure to comply.

(1) one that is so damaged, decayed, dilapidated, unsanitary, difficult to heat, unsafe, or vermin-infested that it creates a hazard to the public health, safety, or welfare;

(2) one that lacks illumination, ventilation, or sanitary conditions adequate to protect the public health, safety, or welfare; or,

(3) one that, because of its general condition or location, is unsanitary or otherwise dangerous to the public health, safety, or welfare.

(Ord. 4359 § 2 (part), 1980).

17.10.060 - Notice to owner of intent to institute condemnation proceedings.

(a) When a dwelling, dwelling unit, rooming house, or rooming unit has been placarded as unfit for human habitation and the owner or agent thereof has failed to comply with the notice and order of the building official pertaining thereto, or has not availed himself or herself of the appeal procedure, or has filed an appeal and has been denied relief or modification of the requirements of this title, the building official, at the expiration of the allotted time for compliance and appeal, may serve notice of intent to condemn.

(b) The notice shall include the following:

(1) a description of the real estate sufficient for identification;

(2) a statement of the reason or reasons why it is being issued and the description of the repairs and improvements required to bring the placarded dwelling, dwelling unit, roominghouse, or rooming unit into compliance with the provisions of this title and any rules or regulations adopted pursuant thereto; and,

(3) a statement of the owner's right to appeal to the building official.

(Ord. 4359 § 2 (part), 1980).

17.10.070 - Service of notice of intent to condemn.

The notice of intent to condemn shall be served upon the owner or agent, pursuant to the provisions of section 17.10.040.

(Ord. 4359 § 2 (part), 1980).

17.10.080 - Condemnation of dwellings and roominghouses as unfit for human habitation.

When the notice of intent to condemn required by section 17.10.070 has been served as provided, the building official shall, after the expiration of the allotted time for hearing and appeal from the hearing, cause to be submitted to the city council his or her report in writing giving a complete description of the structure and of the lot or parcel of land on which the same is situated, together with his or her

recommendation respecting the repair, removal, or destruction thereof and the probable costs thereof for condemnation proceedings under the building code.
(Ord. 4359 § 2 (part), 1980).

17.10.090 - Vacation of placarded dwellings, dwelling units, roominghouses, and rooming units.
Any dwelling, dwelling unit, roominghouse, or rooming unit that has been placarded as unfit for human habitation by the building official shall be vacated within a reasonable length of time as determined and conveyed to those affected by the building official. No owner or operator shall rent to any person for human habitation and no person shall occupy any dwelling, dwelling unit, roominghouse, or rooming unit that has been placarded by the building official after the date on which the building official has required the dwelling, dwelling unit, roominghouse, or rooming unit to be vacated. *(Ord. 4359 § 2(part), 1980).*

17.10.100 - Placard not to be removed until defects are eliminated.
No dwelling, dwelling unit, roominghouse, or rooming unit that has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the building official. The building official shall remove such placard whenever the defect or defects upon which the placarding action was based has or have been eliminated or when the dwelling, dwelling unit, roominghouse, or rooming unit has been condemned and demolition or removal is undertaken.
(Ord. 4359 § 2 (part), 1980).

17.10.110 - Placard not to be defaced.
No person shall deface or remove the placard from any dwelling, dwelling unit, roominghouse, or rooming unit that has been placarded by the building official as unfit for human habitation, except as provided in section 17.10.100.
(Ord. 4359 § 2 (part), 1980).

17.10.120 - Rents uncollectable.
Whenever any structure has been placarded as unfit for human habitation and the owner or operator has received notice pursuant to the provisions of this chapter, no rent shall be recoverable by the owner or operator for any leasehold interest in the property referred to in such notice until all cited violations have been corrected and the corrections have been approved by the building official.

Exception: If it can be established to the satisfaction of the building official that the violations of the housing code that made the dwelling unit uninhabitable were brought about by the actions or inactions of the tenant, or the tenant's invitee(s), the prohibition against the collection of rent is not applicable.
(Ord. 5491 § 1, 2000).

17.10.130 - Person to give notice prior to transfer of interest.
(a) Any person receiving a notice or order pursuant to the provisions of this title shall, prior to any transfer of interest in the property referred to in such notice or order:
   (1) provide a copy of such notice or order to any subsequent purchaser, mortgagee, lessee, assignee, or successor in interest; and
   (2) notify the building official of the name of the successor in interest and the date of transfer within forty-eight (48) hours of such transfer.

(b) All notices and orders issued by the building official pursuant to the provisions of this title shall apply with equal force to any subsequent purchasers, mortgagees, lessees, assignees, or successors in interest.

(c) Subsequent purchasers, mortgagees, lessees, assignees, or successors in interest of any person receiving a notice or order pursuant to the provisions of this title shall comply with the original notice or order within the time set forth in the original notice or order unless new arrangements have been made by them with the building official pursuant to the provisions of section 17.10.030.

(Ord. 4359 § 2 (part), 1980).

17.10.140 - Service by public utilities.

(a) It is unlawful and a misdemeanor for any public utility, corporation, or company to furnish gas, water, or electrical service to any dwelling, dwelling unit, roominghouse, or rooming unit that has been placarded by the building official as unsafe for human habitation, except as provided herein.

(b) The building official shall notify the public utility company or corporation, in writing or by electronic format approved by the city attorney, of his or her actions in placarding the dwelling, dwelling unit, roominghouse, or rooming unit and shall specify the date at which time the utility service shall be discontinued. The utility service shall not be restored to a placarded dwelling, dwelling unit, roominghouse, or rooming unit until notice, in writing, is received from the building official authorizing the restoration of such service by the utility company or corporation; provided, that the building official may authorize restoration of service to be used in connection with renovation, repair, or remodeling of the dwelling, dwelling unit, roominghouse, or rooming unit to comply with the provisions of this title.

(Ord. 4359 § 2 (part), 1980).

17.10.150 - Criminal penalties.

Any person who violates any provision of this title is guilty of a misdemeanor and, upon conviction thereof, shall be fined or may be imprisoned as provided in Chapter 1.95 entitled "Municipal Infraction Citation Process."

(Ord. 4359 § 2 (part), 1980).

17.10.160 - Emergency orders.

(a) Whenever, in the judgment of the building official, an emergency exists that requires immediate action to protect the public health, safety, or welfare, an order may be issued without a hearing or appeal, directing the appropriate person to take such action as is appropriate to correct or abate the emergency. If circumstances warrant, the building official may act to correct or abate the emergency.

(b) Any party affected by an emergency order shall be afforded a right to appeal upon proper request and as soon as practical, but such appeal will in no case stay the abatement or correction of such emergency in the interim.

(Ord. 4359 § 2 (part), 1980).

Chapter 17.11 - APPEALS

FOOTNOTE(S):

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Editor's note— Ord. No. 6184, § 1, adopted July 8, 2013, in effect repealed the former Chapter 13.11, §§ 13.11.010—13.11.070, and enacted a new Chapter 13.11 as set out herein. The former Chapter 13.11 pertained to similar subject matter and derived from Ord. No. 4359, 1980; Ord. No. 5342, 1997 and Ord. No. 6122, adopted March 7, 2011.

17.11.010 - Exclusive appeal remedy.

The exclusive appeal remedy for any party aggrieved by any action of the building official pursuant to this title is by appeal to the board of appeals, pursuant to section 13.01.110.

(Ord. No. 6184, § 1, 7-8-2013)

Chapter 17.12 - MISCELLANEOUS PROVISIONS

17.12.005 - Application of Chapter 13.21.

All properties regulated by this title shall be in compliance with the standards established in chapter 13.21 of the municipal code.
(Ord. 5689 § 4, 2002).

17.12.010 - Title does not impair authority otherwise to act.

Nothing in this title shall be construed or interpreted to, in any way, impair or limit any other enforcement authority otherwise provided under the municipal code.
(Ord. 4359 § 2 (part), 1980).

17.12.020 - Chapter does not abrogate provisions of other codes and ordinances.

The provisions of this title shall not abrogate the responsibility of any person to comply with any other title of the municipal code or any provision of the plumbing, electrical, building, fire prevention, and zoning codes.
(Ord. 4359 § 2 (part), 1980).

17.12.030 - Conflict of ordinances—Effect of partial invalidity.

In any case in which a provision of this title is found to be in conflict with a provision of any zoning, building, fire safety, or health ordinance or code existing on the effective date of the ordinance codified in this title, the provision that establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail. In any case in which a provision of this title is found to be in conflict with a provision of any other ordinance or code existing on the effective date of the ordinance codified in this title that establishes a lower standard for the promotion and protection of the public health, safety, and welfare, the provision of this title shall be deemed to prevail, and such other ordinances or codes are declared to be repealed to the extent that they may be found in conflict with this title.
(Ord. 4359 § 2 (part), 1980).

17.12.040 - Adoption of rules and regulations by the building official.

The building official is authorized and empowered to make and adopt written rules and regulations necessary for the proper enforcement of the provisions of this title.

Chapter 17.14 - TERMINATION OF RESIDENTIAL LEASE AGREEMENT FOR CREATING A CLEAR AND PRESENT DANGER TO OTHERS

17.14.010 - Owner's rights.

Notwithstanding Iowa Code sections 562A.27 or 648.3, if a tenant has created or maintained a threat constituting a clear and present danger to the health or safety of other tenants, the owner,or other persons on or within one thousand (1,000) feet of the owner's property, the owner, after a single three (3) day written notice of termination and notice to quit, may file suit against the tenant for recovery of possession of the premises pursuant to Iowa Code Chapter 648, except as otherwise provided in section 17.14.030. The petition shall state the incident or incidents giving rise to the notice of termination and notice to quit. The tenant shall be given the opportunity to contest the termination in the court proceedings by notice thereof at least three (3) days prior to the hearing.
(Ord. 5748 § 1 (part), 2002).

17.14.020 - Clear and present danger defined.

A clear and present danger to the health or safety of other tenants, the owner, or other persons on or within one thousand (1,000) feet of the owner's property, for the purpose of this chapter, includes, but is not limited to, any of the following activities of the tenant or of any person on the premises with the consent of the tenant:

(a) physical assault or the threat of physical assault;

(b) illegal use of a firearm or other weapon, the threat to use a firearm or other weapon illegally, or possession of an illegal firearm; and,
(c) possession of a controlled substance, unless the controlled substance was obtained directly from or pursuant to a valid prescription or order by a licensed medical practitioner while acting in the course of the practitioner's professional practice. This subsection applies to any other person on the premises with the consent of the tenant.

(Ord. 5748 § 1 (part), 2002).

17.14.030 - Danger mitigated by tenant.

This chapter shall not apply to a tenant if the activities causing the clear and present danger, as defined in section 17.14.020, are conducted by a person on the premises other than the tenant and the tenant takes at least one of the following measures against the person conducting the activities:

(a) the tenant seeks a protective order, restraining order, order to vacate the homestead, or other similar relief pursuant to Iowa Code Chapters 236, 598, or 915, or any other applicable provision that would apply to the person conducting the activities causing the clear and present danger;
(b) the tenant reports the activities causing the clear and present danger to a law enforcement agency or the county attorney in an effort to initiate a criminal action against the person conducting the activities; and,
(c) the tenant writes a letter to the person conducting the activities causing the clear and present danger, telling the person not to return to the premises and that a return to the premises may result in a trespass or other action against the person, and the tenant sends a copy of the letter to a law enforcement agency whose jurisdiction includes the premises. If the tenant has previously written a letter to the person as provided in this subsection, without taking an action specified in subsection (a) or (b) of this section, or filing a trespass or other action, and the person to whom the letter was sent conducts further activities causing a clear and present danger, the tenant must take one of the actions specified in subsection (a) or (b) to be exempt from the proceedings held pursuant to section 17.14.010.

However, in order to fall within the exemptions provided within this section, the tenant must provide written proof to the owner, prior to the commencement of a suit against the tenant, that the tenant has taken one of the measures specified in subsections (a) through (c) of this section.

(Ord. 5748 § 1 (part), 2002).

17.14.040 - Liability of owner or non-occupying property owner, owner defined.

(a) Any non-occupying property owner or operator with actual knowledge of a nuisance on his or her or its or their real property or after being served with written notice of a nuisance condition on his or her or its or their real property shall abate such nuisance within ten (10) calendar days after having actual notice or receiving written notice. Written notice shall be personally served on the non-occupying property owner or operator, or shall be mailed by certified mail, return-receipt requested. If the certified mail notice is returned, then notice may be posted on the subject real property. If any other section of this code specifically provides for a different method of notice or a different time frame for notice, then the provisions of the other section may be followed instead of the provisions of this section. If the non-occupying owner or operator fails to abate the nuisance condition as required, such non-occupying owner or operator shall be guilty of violating section 8.54.010 of this code. If a city official designated in section 8.54.050 of this code or a court of competent jurisdiction deems the nuisance to be an emergency, then the emergency provisions of this chapter shall apply to the non-occupying owner or operator. It shall be an affirmative defense for a non-occupying owner or operator to show that he or she or it or they are either (1) evicting and permanently removing the tenant from all premises owned or managed by such owner or operator or (2) acting diligently in terminating the nuisance. If specific sections of this code provide for liability to owners or operators with less notice, then the specific sections will apply.

(b) For the purpose of this section, the term "owner" shall include property manager, resident manager, rental agent, or any person responsible for showing the property to potential tenants, renting to tenants, collecting rent or lease payments, evicting tenants, or maintaining the property. If the non-occupying owner or operator is an entity other than a human being, then the term "owner" shall also include the officers, partners, executives, owners, or other human beings responsible for managing the entity.

(Ord. 5861 § 1, 2005).

SEVERABILITY CLAUSE.

If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance that are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED AND APPROVED: January 26, 2015

MATTHEW J. WALSH, MAYOR

MARCIA L. WORDEN, CITY CLERK

First Consideration: 11/24/2014
Second Consideration: 12/15/2014
Public Hearing: 12/15/2014 and 1/12/2015
Third Consideration: 1/12/2015
Fourth Consideration: 1/26/2015