Chapter 29 - 2015 Housing Code

This document has local amendments made to the 2015 IPMC® and approved by the City of Cedar Rapids City Council. This document is not made to replace the 2015 IPMC® and is to be used as a supplement to the adopted 2015 IPMC for easier navigation.

<table>
<thead>
<tr>
<th>Subchapter</th>
<th>Subjects</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Scope &amp; Administration</td>
<td>5 - 18</td>
</tr>
<tr>
<td>2</td>
<td>Definitions</td>
<td>19 - 24</td>
</tr>
<tr>
<td>3</td>
<td>General Requirements</td>
<td>25 - 35</td>
</tr>
<tr>
<td>4</td>
<td>Light, Ventilation and Occupancy Limitations</td>
<td>36 - 39</td>
</tr>
<tr>
<td>5</td>
<td>Plumbing Facilities and Fixture Requirements</td>
<td>40 - 42</td>
</tr>
<tr>
<td>6</td>
<td>Mechanical and Electrical Requirements</td>
<td>43 - 47</td>
</tr>
<tr>
<td>7</td>
<td>Fire Safety Requirements</td>
<td>48 - 51</td>
</tr>
<tr>
<td>8</td>
<td>Referenced Standards</td>
<td>52 - 53</td>
</tr>
<tr>
<td>9</td>
<td>Rental Business Regulations</td>
<td>54 - 60</td>
</tr>
<tr>
<td>10</td>
<td>Vacant &amp; Neglected Building</td>
<td>61 - 63</td>
</tr>
<tr>
<td></td>
<td>Appendix A</td>
<td>64</td>
</tr>
<tr>
<td></td>
<td>Resolution Page</td>
<td>65</td>
</tr>
</tbody>
</table>

CHAPTER 29 - The 2015 HOUSING CODE

Table of Contents for Chapter 29 - The 2015 Housing Code

Sections Amended by this Ordinance will appear in green highlights throughout this document (Section # or Title only)

“HOUSING CODE”

Local section no. Provision of the IPMC

29.01..................................................International Property Maintenance Code Adopted

Subchapter 1 – Amendments to IPMC Provisions of Administration

29.02..................................................Section 101.1 Title
29.03..................................................Section 102.2 Maintenance
29.04..................................................Section 102.3 Application of other Codes
29.05..................................................Section 103.1 General
Section 103.5 Fees
Section 104.3.1 Warrant
Section 106.2.1 Notice of Violation
Section 106.4 Violation Penalties
Section 107.2 Form
Section 107.3 Method of Service
Section 108.1.5 Dangerous Structure or Premise
Section 108.4 Placarding
Section 108.4.1 Placard Removal
Section 108.5 Prohibited Occupancy
Section 111.1 Application for Appeal
Section 111.1.1 Waiver
Section 111.2 Appointment
Section 111.3 Notice of Meeting

Subchapter 2 - Amendments to IPMC Definitions
Section 202 General Definitions

Subchapter 3 - Amendments to IPMC Provisions on General Requirements
Section 302.1 Sanitation
Section 302.4 Weeds
Section 302.7 Accessory Structures
Section 302.8 Motor Vehicles
Section 304.3 Premises Identification
Section 304.14 Insect Screens
Section 307.1 General
Section 309.1 Infestation

Subchapter 4 - Intentionally Left Blank

Subchapter 5 - Amendments to IPMC Provisions on Plumbing Facilities and Fixture Requirements
Section 502.3 Hotels
Section 502.4 Employees Facilities
Section 502.4.1 Drinking Facilities

Subchapter 6 - Amendments to IPMC Provisions on Mechanical and Electrical Requirements
Section 602.3 Heat supply
Section 602.4 Occupiable work spaces
Section 603.1 Mechanical appliances
Subchapter 7 - Amendments to IPMC Provisions on fire Safety Requirements

29.37........................................Section 704.2.2 Interconnections
29.38........................................Section 704.3 Smoke Detector Maintenance
29.39........................................Section 705 Fire Extinguisher

Subchapter 8 - Amendments to IPMC Provisions on Recognized Standards

29.40........................................Chapter 8 Referenced Standards

Subchapter 9 - Rental Business Regulations

29.41........................................Section 901 Landlord Business Permits
29.42........................................Section 902 Rental Property or Rental Unit Registration
29.43........................................Section 903 Mandatory Tenant Background Checks
29.44........................................Section 904 Suspension, Revocation or Denial, Right of Appeal, Order of Precedence
29.45........................................Section 905 Inspection of Rental Property
29.46........................................Section 906 Certificate of Compliance
29.47........................................Section 907 Notice upon Offer For Sale
29.48........................................Section 908 Uniform Residential Landlord and Tenant Law

Subchapter 10 - Vacant and Neglected Building Regulations

29.49........................................Section 1001 General
29.50........................................Section 1002 Vacant and Neglected Building Determination
29.51........................................Section 1003 Vacant and Neglected Building Registration
29.52........................................Section 1004 Vacant and Neglected Building Abatement Plan
29.53........................................Section 1005 Appeal
29.54........................................Section 1006 Removal from Registration
29.55........................................Section 1007 Other Enforcement

Appendix A – Boarding and Fencing Standard

29.56........................................Appendix A  Boarding & Fencing Standard
Subchapter 1 – Scope and Administration

PART 1 — SCOPE AND APPLICATION

SECTION 101 GENERAL

29.01 INTERNATIONAL PROPERTY MAINTENANCE CODE 2015 ADOPTED. Except as hereinafter added to, deleted, modified, or amended, there is hereby adopted as the Housing Code of the City of Cedar Rapids, Iowa, that certain code known as the International Property Maintenance Code, 2015 First Printing (“IPMC”), including Appendix A, as published by the International Code Council.

The provisions of said Housing Code shall be for: regulating and governing the conditions and maintenance of all property, essential to ensure that structures are safe, sanitary, and fit for occupancy and use; the condemnation of buildings and structures unfit for human occupancy and use; the demolition of such existing structures as provided within the corporate limits of the City of Cedar Rapids, Iowa; the regulation of rental property and regulation of vacant and neglected buildings.

29.02 Section 101.1 Title. These regulations shall be known as the Cedar Rapids Housing Code which includes the 2015 International Property Maintenance Code with these local amendments, hereinafter referred to as "this code".

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner’s authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, owner’s authorized agent, operator or occupant shall cause any service, facility,
equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.

29.03 Exception. The owner or owner's authorized agent may by agreement allow the occupant to perform the duties specified herein. All refrigerators, stoves, and ranges shall be maintained in safe working condition.

29.04 Section 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Cedar Rapids Municipal Code, which includes, but is not limited to the Building Code, Fire Code, Fuel Gas Code, Mechanical Code, Residential Code, Plumbing Code, and the Electrical Code. Nothing in this code shall be construed to cancel, modify, or set aside provisions of the Zoning Code adopted by the City Council of Cedar Rapids, Iowa.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer’s instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

102.7.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.
102.9 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

29.05 Section 103.1 General. The executive official in charge of administration of this code shall be known as the code official.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the code official.

103.4 Liability. The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

103.4.1 Legal defense. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

29.06 Section 103.5 Fees. The City Council of the City of Cedar Rapids, Iowa may by resolution prescribe the occasions when fees for rental business permits, rental registrations, rental inspections, inspections of owner occupied units, re-inspections and registration of vacant and/or neglected structures are required and in what amount.

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by
a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner’s authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

29.07 Section 104.3.1 Warrant. When the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises or unit shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

104.4 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.5 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.6 Department records. The code 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 required for retention of public records.

SECTION 105 APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner’s authorized agent, provided the code official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.
105.3 **Required testing.** Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 **Test methods.** Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved* agency.

105.3.2 **Test reports.** Reports of tests shall be retained by the *code official* for the period required for retention of public records.

105.4 **Used material and equipment.** The use of used materials that meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and *approved* by the *code official*.

105.5 **Approved materials and equipment.** Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

105.6 **Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

**SECTION 106 VIOLATIONS**

106.1 **Unlawful acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 **Notice of violation.** The *code official* shall serve a notice of violation or order in accordance with Section 107.

29.08  **Section 106.2.1 Violation Notice and Compliance.** The *code official* shall notify the owner in writing of the basis for any inspection. If, upon completion of an inspection, a structure or property is found to be in violation of one or more provisions of this code, a notice shall be provided to the owner. If the violation is of an emergency nature, as determined by the *code official*, immediate compliance with the code is required. Otherwise, the owner shall be provided no less than 35 calendar days for correction of violation(s) and an initial re-inspection at no extra fee.

If after a re-inspection a violation has not been corrected within that period, the *code official* shall schedule a re-inspection for 14 calendar days after the initial re-inspection.

If a violation has not been corrected within that 14 day time period, then a FINAL NOTICE for seven (7) calendar days shall be issued. If a violation has not been corrected within the seven (7) calendar day period, a violation penalty shall be issued.
If violation(s) have been corrected within the time periods specified above, then a Certificate of Compliance shall be issued. The initial re-inspection is at no extra fee; all other re-inspections may have re-inspection fee(s) charged.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

29.09 Section 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Said prosecution may be by the filing of a misdemeanor citation or a citation for municipal infraction. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Continued violations of this code for non-compliance may result in suspension or revocation of a Cedar Rapids issued Landlord Business Permit and/or Rental Unit Registration.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 107 NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.

2. Include a description of the real estate sufficient for identification.

3. Include a statement of the violation or violations and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

5. Inform the property owner or owner’s authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

29.10 7. Be effective notice to anyone having interest in the property whether recorded or not at the time of giving such notice and shall be effective against any subsequent owner of the premises as long as the violation exists and there remains an official copy of the notice in a file maintained by the code official.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;

2. Sent by certified or first-class mail addressed to the last known address; or

3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

29.11 4. If the person to be served is not found, then leaving a copy thereof at his or her usual place of abode or employment with a person who is at least 18 years old residing in the same abode or same place of employment.

29.11 5. In the event that more than one person has to be served under this code, failure to serve one or more such additional persons does not affect the service on the person served.

107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.6 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or owner’s authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment.
or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

12. Any building, structure or portion thereof, that has been used to manufacture, grow or otherwise produce a ‘controlled substance’, as that phrase is defined in Chapter 124 of the Iowa Code, and is not authorized for such use shall be considered unfit for human occupancy.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner’s authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

108.2.1 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner’s authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner’s authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner’s authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.
29.13 **Placarding.** Upon failure of the owner, owner’s authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

Any building, structure or portion thereof deemed an imminent threat to the public safety or welfare or deemed to have the condition described in IPMC Section 108.1.5(12) shall be placarded immediately by the code official, and a notice shall be given to the owner, owner’s authorized agent or person responsible as soon as practical thereafter.

29.14 **Placard removal.** The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated, a full inspection has been completed and all fees owed to the city on the property have been paid in full. If placarding was caused by the condition described in IPMC Section 108.1.5(12) a full report by a certified agency or contractor deeming the premises clean shall be provided to the code official prior to removal of the placard unless otherwise authorized by the code official. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 **Prohibited occupancy.** Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner’s authorized agent or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

29.15 **Exception.** Access to a placarded property is allowed only with written approval from the code official. Such written approval shall specify the person or persons who are allowed access to the property and the hours which such access is allowed. When approved persons access the placarded property, those persons shall have the code official's full written approval available at the placarded property for inspection by any code official or police officer.

108.6 **Abatement methods.** The owner, owner’s authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

108.7 **Record.** The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**SECTION 109 EMERGENCY MEASURES**

109.1 **Imminent danger.** When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official
is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises or owner’s authorized agent where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110 DEMOLITION

110.1 General. The code official shall order the owner or owner’s authorized agent of any premises upon which is located any structure, which in the code official’s or owner’s authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner’s option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner’s authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

110.2 Notices and orders. Notices and orders shall comply with Section 107.

110.3 Failure to comply. If the owner of a premises or owner’s authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the
cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111 MEANS OF APPEAL

29.16 Section 111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Housing Code Board of Appeals, provided that a written application for appeal is filed within 20 days after the date of the initial notice of violation or order under this code. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The Housing Code Board of Appeals shall have no authority to waive the requirements of this code.

29.17 Section 111.1.1 Waiver. Failure of any person to file an appeal request in accordance with the provisions of this code shall constitute a waiver of the right to a Housing Code Board of Appeals hearing and adjudication of the notice or order, or any portion thereof.

29.18 Section 111.2 Appointment. There is hereby established a board to be known as the Housing Code Board of Appeals, which consists of 7 members appointed by the Mayor with the advice and majority consent of the City Council. The members of the board shall be appointed for 3 year terms, with any successive appointment for a 3 year term following the expired term. Any one or more members of such board shall be subject to removal or replacement by the City Council at any time, for cause, after a public hearing before the City Council. Vacancies on such board shall be filled by the appointing authority for the unexpired term of such vacancy. The members of such board shall serve without compensation and shall be residents of the City of Cedar Rapids, Iowa.

29.18 Section 111.2.1 Officers. Officers of the board shall be elected by the members of the board at the annual meeting of the board, including a Chairperson.

29.18 Section 111.2.2 Appeal. All appeals and requests to the board shall be filed with the Building Services Department Administrative Assistant or code official for this code. An appeal fee as set by the City Council resolution shall accompany each appeal.

29.18 Section 111.2.3 Procedure. The board shall establish its own rules of procedure for accomplishment of its duties and function provided that such rules are not in conflict with the provisions of this code or Iowa law. Copies of the rules of procedure adopted by the board shall be available from the code official.

29.18 Section 111.2.4 Meetings. The board shall meet at regular intervals to be determined by the Chairperson but, in any event, the board shall act upon the appeal within 30 days after a request for a hearing has been received by the Building Services Department Administrative Assistant or code
official for this code. Reasonable notice of the place, time, and date of such meeting shall be given to all members of the board and all interested parties in each case to be heard by the board.

**29.18 Section 111.2.5 Open Hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official, and any person whose interests are affected shall be given opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

**29.18 Section 111.2.6 Minutes / Copies.** Minutes of all meetings shall be prepared and maintained as part of the public record. The decision of the board shall be recorded. Copies shall be furnished to the appellant and the code official.

**29.18 Section 111.2.7 Extension of Time.** In lieu of, or in addition to, administrative extensions, the Housing Code Board of Appeal may grant an extension or extensions of time for the compliance of any order or notice, provided that the board makes a determination that there are practical difficulties or unnecessary hardship in carrying out the strict letter of any notice or order.

**29.18 Section 111.2.8 Petition for Certiorari.** Any person or persons, jointly or severally, aggrieved by any decision of the Housing Code Board of Appeal under the provisions of this code, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the decision of the board.

**29.19 111.3 Notice of meeting.** The board shall meet upon notice from the chairman, within 30 days of the filing of an appeal, or at stated periodic meetings.

**111.4 Open hearing.** Hearings before the board shall be open to the public. The appellant, the appellant’s representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

**111.4.1 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**111.5 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant’s representative shall have the right to request a postponement of the hearing.

**111.6 Board decision.** The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

**111.6.1 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

**111.6.2 Administration.** The code official shall take immediate action in accordance with the decision of the board.
111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to
the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the
manner and time required by law following the filing of the decision in the office of the chief administrative
officer.

111.8 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the
enforcement of the notice and order until the appeal is heard by the appeals board.

SECTION 112 STOP WORK ORDER

112.1 Authority. Whenever the code official finds any work regulated by this code being performed in a manner
contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to
issue a stop work order.

112.2 Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the
owner’s authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work
shall immediately cease. The stop work order shall state the reason for the order and the conditions under
which the cited work is authorized to resume.

112.3 Emergencies. Where an emergency exists, the code official shall not be required to give a written notice
prior to stopping the work.

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work
order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be
liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

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Subchapter 2 - Definitions

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202 GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Acceptable to the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

29.20 CERTIFICATE OF COMPLIANCE. Means a document issued by the code official or the City of Cedar Rapids evidencing compliance with all applicable code provisions of the rental property, rental unit or rental units for which the Certificate was issued. A Certificate of Compliance shall show the Issue Date (reflecting the initial regular rental inspection), the address of the structure for which it is applicable, the type or classification of the dwelling, and any other information as determined by the code official.
29.20 CONDOMINIUM. Means a multi-family complex, dwelling, dwelling unit, rooming unit, or sleeping unit which is recognized by the City Assessor’s office as a Condominium (typically in compliance with Chapter 499B of the Code of Iowa).

29.20 COOPERATIVE. Means a multi-family complex, dwelling, dwelling unit, rooming unit, or sleeping unit which is recognized by the City Assessor’s office as a Cooperative (typically in compliance with Chapter 499A of the Code of Iowa).

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

29.20 FUEL BURNING HEATING EQUIPMENT. Means a furnace and/or boiler and/or water heater that uses fossil fuels.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.
HISTORIC BUILDING. Any building structure that is one or more of the following:
1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

29.20 LANDLORD BUSINESS PERMIT. Means a permit issued by the City of Cedar Rapids for the purpose of conducting residential rental business which is subject to regulation under this Chapter.

Note: A Landlord Business Permit does not authorize one to act or represent oneself as a real estate broker in violation of Iowa Code Chapter 543B Real Estate Brokers and Salespersons.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or structure.

29.20 NUISANCE. Means the same as set forth in Chapter 22 of the Municipal Code of the City of Cedar Rapids, Iowa.

29.20 NUISANCE ACTIVITY. Means the same as set forth in Chapter 22A of the Municipal Code of the City of Cedar Rapids.

29.20 NUISANCE PROPERTY. Means the same as set forth in Chapter 22A of the Municipal Code of the City of Cedar Rapids.
OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

29.20 OCCUPYING. Means living or sleeping in premises regulated by this Chapter, and shall not require that the person living or sleeping be included in any rental agreement concerning the premises.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

29.20 PROPERTY MANAGER. Means the party responsible for day to day maintenance, operation and management of rental property. For purposes of this Subchapter, an Owner of a Rental Property or Rental Unit may be but is not necessarily the same as the Property Manager thereof.

Note: References in this Chapter to “Property Manager” shall not be construed so as to affect the application of any other law concerning property management, including but not limited to Iowa Code Chapter 543B.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

29.20 RENTAL BUSINESS TRAINING. Means training required of Landlords and those who manage rental property subject to regulation hereunder.

29.20 RENTAL PROPERTY (OR RESIDENTIAL RENTAL PROPERTY); RENTAL UNIT (OR RESIDENTIAL RENTAL UNIT). Means a structure containing one or more dwelling units, rooming units, or sleeping units which is not eligible for the Iowa Homestead Credit for tax purposes; also any structure or part of a structure used as a home, residence, or sleeping unit by a single person, household unit, or any person(s) other than the legal
owner of the property, which is leased or rented from or otherwise occupied by permission of the owner or other person in control of such unit(s), whether by day, week, month, year or any other term, regardless of monetary exchange. The term Rental Unit or Residential Rental Unit may refer to a unit within a rental property, as context requires.

29.20 RENTAL PROPERTY REGISTRATION. Means registration with the City of Cedar Rapids of a structure containing one or more rental units subject to regulation under this Chapter.

29.20 RENTAL UNIT REGISTRATION. Means registration of any given dwelling unit within a duly registered rental property.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

29.20 VACANT and NEGLECTED BUILDING. Any building or portion of a building which meets any one or more of the following conditions for more than 180 calendar days in any given year: unoccupied and unsecured, unoccupied and secured by boarding or by means other than those used in the design of the building, unoccupied and has housing and/or building code violations, unoccupied and unfit for occupancy, or unoccupied and declared dangerous or unsafe under this code.

EXCEPTION. Vacant Buildings which are undergoing construction, renovation, or rehabilitation and which are in compliance with all applicable ordinances, codes, legislation, and regulations, and for which a construction,
renovation or rehabilitation permit has been issued that the code official determines is proceeding diligently to completion.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**29.20 WEEDS.** Weed(s) shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provide; however, this term shall not include cultivated flowers and gardens.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space on the same lot with a structure.
Subchapter 3 - General Requirements

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land. Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

29.21 Section 302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep in a clean and sanitary condition that part of the exterior property which such occupant occupies or controls, but this provision shall not relieve the owner of responsibility under this chapter. No exterior accumulation of garbage, refuse, rubbish, personal possessions, or household goods, including but not limited to appliances and furnishings manufactured for interior use, shall be permitted. For purposes of this section, an unenclosed porch is an exterior portion of a property or premises.

302.2 Grading and drainage. Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

   Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

29.22 Section 302.4 Weeds. All premises and exterior property shall be maintained free of weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106 and as prescribed by the code official. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy weeds growing thereon, and the costs of such removal be paid by the owner or agent responsible for the property.
302.5 Rodent harborage. Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

29.23 Section 302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained in good repair at all times. Garage Doors required - All garages, where a garage door was intended or installed, must be provided with a functioning garage door.

29.24 Section 302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. The open storage of vehicle parts including but not limited to bumpers, engines, exhaust pipes, doors, fenders, hoods, mufflers or any other structural, mechanical or decorative vehicle part is prohibited. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work and storage of parts, provided that such work and/or storage is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not 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 existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.
Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

3. Structures or components thereof that have reached their limit state;

4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:
1. Where substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted where approved by the code official.

**304.2 Protective treatment.** Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**29.25 Section 304.3 Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. Where the fire code official requires, address numbers shall also be located in an approved location along alleys that is visible from the alley. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

**304.4 Structural members.** Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

**304.5 Foundation walls.** Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

**304.6 Exterior walls.** Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure.
Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**304.8 Decorative features.** Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**304.9 Overhang extensions.** Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.10 Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**304.11 Chimneys and towers.** Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.12 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**304.13 Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

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**304.13.1 Glazing.** Glazing materials shall be maintained free from cracks and holes.

**304.13.2 Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**29.26 Section 304.14 Insect screens.** Every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any area 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 minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellant fans, are employed.

**304.15 Doors.** Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3

**304.16 Basement hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer’s specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

3. Structures or components thereof that have reached their limit state;

4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:
1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

305.2 Structural members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. 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.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
   1.1. Collapse of footing or foundation system;
   1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;

1.4. Inadequate soil as determined by a geotechnical investigation;

1.5. Where the allowable bearing capacity of the soil is in doubt; or

1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:

2.1. Deterioration;

2.2. Ultimate deformation;

2.3. Fractures;

2.4. Fissures;

2.5. Spalling;

2.6. Exposed reinforcement; or

2.7. Detached, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:

3.1. Deterioration;

3.2. Corrosion;

3.3. Elastic deformation;

3.4. Ultimate deformation;

3.5. Stress or strain cracks;

3.6. Joint fatigue; or

3.7. Detached, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:

4.1. Deterioration;

4.2. Ultimate deformation;

4.3. Fractures in masonry or mortar joints;
4.4. Fissures in masonry or mortar joints;

4.5. Spalling;

4.6. Exposed reinforcement; or

4.7. Detached, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

5.1. Deterioration;

5.2. Elastic deformation;

5.3. Ultimate deformation;

5.4. Metal fatigue; or

5.5. Detached, dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

6.1. Ultimate deformation;

6.2. Deterioration;

6.3. Damage from insects, rodents and other vermin;

6.4. Fire damage beyond charring;

6.5. Significant splits and checks;

6.6. Horizontal shear cracks;

6.7. Vertical shear cracks;

6.8. Inadequate support;

6.9. Detached, dislodged or failing connections; or

6.10. Excessive cutting and notching.

Exceptions:
1. Where substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted where approved by the code official.
SECTION 307 HANDRAILS AND GUARDRAILS

29.27 Section 307.1 General. Every exterior and interior flight of stairs having four or more risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp, or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 308 RUBBISH AND GARBAGE

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

SECTION 309 PEST ELIMINATION

29.28 Section 309.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by a process that will not be injurious to human health. If after re-inspection it is the opinion of the code official that adequate extermination measures have not been taken, then an approved plan of action shall be provided to the code official within 5 business days. An approved plan of action must include an approved certified pest control agency for extermination. After pest elimination, proper precautions shall be taken to prevent re-infestation.
309.2 **Owner.** The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 **Single occupant.** The *occupant* of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the *premises*.

309.4 **Multiple occupancy.** The *owner* of a structure containing two or more dwelling units, a multiple occupancy, a *rooming house* or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for pest elimination.

309.5 **Occupant.** The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

   **Exception:** Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for pest elimination.

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Subchapter 4 - Light, Ventilation and Occupancy Limitations

SECTION 401 GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

SECTION 402 LIGHT

402.1 Habitable spaces. Every habitable space shall have not less than one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

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 not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 VENTILATION

403.1 Habitable spaces. Every habitable space shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section..402.1.
**Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 **Bathrooms and toilet rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 **Cooking facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

   **Exceptions:**
   1. Where specifically approved in writing by the code official.
   2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 **Process ventilation.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 **Clothes dryer exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

   **Exception:** Listed and labeled condensing (ductless) clothes dryers.

**SECTION 404 OCCUPANCY LIMITATIONS**

404.1 **Privacy.** Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 **Minimum room widths.** A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 **Minimum ceiling heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

   **Exceptions:**
   1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
   2. **Basement** rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum
clear height of 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Sections 404.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof.

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to not less than one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.
### TABLE 404.5 MINIMUM AREA REQUIREMENTS

<table>
<thead>
<tr>
<th>SPACE</th>
<th>1-2 occupants</th>
<th>3-5 occupants</th>
<th>6 or more occupants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Living room</td>
<td>120</td>
<td>120</td>
<td>150</td>
</tr>
<tr>
<td>Dining room</td>
<td>No requirement</td>
<td>80</td>
<td>100</td>
</tr>
<tr>
<td>Bedrooms</td>
<td>Shall comply with Section 404.4.1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For SI: 1 square foot = 0.0929 m²

- a. See Section 404.5.2 for combined living room/dining room spaces.
- b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

#### 404.5.1 Sleeping area.
The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

#### 404.5.2 Combined spaces.
Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

#### 404.6 Efficiency unit.
Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 m²). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. The maximum number of occupants shall be three.

#### 404.7 Food preparation.
All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.
Subchapter 5 - Plumbing Facilities and Fixture Requirements

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.

SECTION 502 REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

29.29 502.3 Hotels. Deleted from Code.

29.30 502.4 Employees’ facilities. Deleted from Code.

29.31 502.4.1 Drinking facilities. Deleted from Code

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the International Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

SECTION 503 TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees’ working area. The required toilet facilities shall be located not more than one story above or below the employees’ working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).
Employee facilities shall either be separate facilities or combined employee and public facilities.

**Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees’ regular working area to the facilities.

**SECTION 504 PLUMBING SYSTEMS AND FIXTURES**

**504.1 General.** Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

**504.2 Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.

**504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

**SECTION 505 WATER SYSTEM**

**505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

**505.2 Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**505.3 Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

**505.4 Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.
SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 General. Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer’s installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507 STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

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Subchapter 6 - Mechanical and Electrical Requirements

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

29.32 Section 602.3 Heat supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof, shall supply heat to maintain a minimum temperature of 68 degrees F (20 degrees C) 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 Appendix D of the International Plumbing Code.

2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

29.33 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exception 1. Processing, storage, and operation areas that are required cooling or special temperature conditions.

Exception 2. Areas in which persons are primarily engaged in vigorous physical activities.
602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

29.34 Section 603.1 Maintenance of heating equipment. All fuel burning heating equipment of each dwelling shall be maintained in good and safe working condition and shall be capable of heating all habitable rooms, kitchens, kitchenettes, bathrooms, and toilet rooms located therein to the minimum temperature required by this code. At the time of each regular rental inspection, fuel burning heating equipment must be checked by a licensed mechanical contractor or certified service technician for proper drafting, combustion, and integrity of total operation system which shall include the thermostat, gas valve, vent, and/or chimney and a determination made that carbon monoxide levels are within safe limits for human habitation.

Exception 1: When heating equipment has been installed within two years of the regular inspection with proper documentation of permitting, inspection, including the installation date.

Exception 2: If the fuel burning heating equipment has been properly inspected by a licensed mechanical contractor or certified technician within 12 months of the regular rental inspection.

Exception 3: If a working Carbon Monoxide Alarm (Detector) is installed outside of and adjacent to each sleeping area and in the immediate vicinity of the bedrooms. Combination carbon monoxide and smoke alarms shall be permitted to be used in lieu of carbon monoxide alarms.

603.2 Removal of combustion products. Fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances that are labeled for unvented operation.

603.3 Clearances. Required clearances to combustible materials shall be maintained.

603.4 Safety controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

29.35 Section 604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Municipal Code Chapter 34 as adopted.
604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer’s representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low - and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;

17. Motors;

18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer’s representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

29.36 Section 605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry sink and/or laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every existing or new bathroom shall contain at least one ground fault type receptacle. All receptacle outlets shall have the appropriate faceplate cover for the location.

29.36 Section 605.2.1 Ground fault. All receptacles located above and adjacent to work counters within 3 feet of a sink or water distribution fixture shall be ground fault type.

29.36 Section 605.2.2 Exterior GFCI. All exterior outlets must be ground fault circuit interrupter protected with approved covers.

29.36 Section 605.2.3 Tamper Resistant. All replacement outlets shall be of a tamper resistant type.

605.3 Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.
SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

   Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607 DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

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Subchapter 7 - Fire Safety Requirements

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702 MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

702.2 Aisles. The required width of aisles in accordance with the International Fire Code shall be unobstructed.

702.3 Locked doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates 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 shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703 FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. Fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704 FIRE PROTECTION SYSTEMS

704.1 General. Systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.
704.1.2 Fire department connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

704.2 Single-and multiple-station smoke alarms. Single-and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.2.1 through 704.2.3.

704.2.1 Where required. Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.2.1.1 through 704.2.1.4. Interconnection and power sources shall be in accordance with Sections 704.2.2 and 704.2.3.

Exceptions:
1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.

2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.

3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.2.1.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.

2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.2.1.2 Groups R-2, R-3, R-4 and I-1. Single-or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening
door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.2.1.3 Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.2.1.1 or 704.2.1.2.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 m) horizontally from a permanently installed cooking appliance.

2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048mm) horizontally from a permanently installed cooking appliance.

3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

704.2.1.4 Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.2.1.1 or 704.2.1.2.

704.2.2 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:
1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.

2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

29.37 3. Battery powered smoke alarms may be added in bedrooms of existing buildings which have existing smoke alarms interconnected as long as the bedrooms didn't previously have interconnected smoke alarms removed or disconnected and until such time that a building permit for remodel of the unit or building results in the building official requiring smoke alarms be interconnected.

704.2.3 Power source. Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.
Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place.

2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.

3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

704.2.4 Smoke detection system. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code.

2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the International Fire Code.

3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.5 of the International Fire Code.

29.38 Section 704.3 Smoke Detectors Maintenance. All Smoke Detectors shall be maintained in working order per manufacturer’s specifications and the Cedar Rapids Fire Code. All replacement Smoke Detectors shall be of the dual sensor type.

29.39 Section 705 Fire Extinguishers. All fire extinguishers shall be maintained in an operative condition at all times and shall be replaced or repaired when defective in accordance with the manufacturer’s specifications and NFPA 10. At the time of each Regular Rental Inspection, the code official will confirm the fire extinguisher(s) have been properly maintained, serviced, and tagged by an approved company in accordance with the manufactures specifications, NFPA 10 and the Cedar Rapids Fire Code.

Section 705.1 Single Family. Single family (rental) structures shall have one 1A10BC minimum rated fire extinguisher provided in a properly mounted readily accessible location, preferably located near an exit and near the kitchen.

Section 705.2 Multi Family. Each multi-family structure shall be provided with one 1A10BC fire extinguisher for each dwelling unit, properly mounted in a readily accessible location preferably located near an exit and near the kitchen, or, for those structures with common corridors in lieu of the 1A10BC fire extinguishers in each unit, the owner may provide one 2A10BC fire extinguisher on each occupied level within 75 feet of each dwelling unit, properly mounted in a readily accessible location for occupants for which they are provided.

Section 705.3 Multi Family Laundry & Mechanical Rooms. One 2A10BC fire extinguisher shall be provided in a properly mounted readily accessible location positioned within 75 feet of and on the same level as each laundry or mechanical room (including boiler rooms) that is shared by 2 or more dwelling units.
# Subchapter 8 Recognized Standards

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

| ASME | American Society of Mechanical Engineers  
|      | Three Park Avenue  
<p>|      | New York, NY 10016-5990 |</p>
<table>
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<td>Safety Code for Elevators and Escalators</td>
<td>606.1</td>
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| ASTM | American Society of Mechanical Engineers  
|      | Three Park Avenue  
<p>|      | New York, NY 10016-5990 |</p>
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<th>Standard reference number</th>
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<th>Referenced in code section number</th>
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| ICC | International Code Council  
|     | 500 New Jersey Avenue, NW  
|     | 6th Floor  
<p>|     | Washington, DC 20001 |</p>
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<td>International Fuel Gas Code®</td>
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<td>IZC—15</td>
<td>International Zoning Code®</td>
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</table>
25—14 Inspection, Testing and Maintenance of Water-Based Fire Protection Systems 704.1.1

70—14 National Electrical Code 102.4, 201.3, 604.2

29.40 Chapter 8 of the IPMC is hereby amended by adding the following as Referenced Standards:

MUNICIPAL CODE of the City of Cedar Rapids, Iowa.

  Chapter 22 Nuisances.
  Chapter 22A Nuisance Properties.
  Chapter 32 Zoning Code.
  Chapter 33 Building Code (as adopted & amended).
  Chapter 34 Electrical Code (as adopted & amended).
  Chapter 35 Plumbing Code (as adopted & amended).
  Chapter 36 Mechanical & Fuel Gas Code (as adopted & amended).
  Chapter 37 Fire Code (as adopted & amended).

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Subchapter 9 Rental Business Regulations

29.41 SECTION 901 LANDLORD BUSINESS PERMITS

a. Permit requirements.

No person shall lease, rent, or otherwise allow a dwelling unit or residential rental unit to be occupied without a valid Landlord Business Permit issued in accordance with this Subchapter.

All those who hold a valid Landlord License at the time this ordinance becomes effective shall be deemed to hold a valid Landlord Business Permit within the meaning of this section.

b. Application requirements.

The application requirements to the receipt of a Landlord Business Permit include:

i. All requirements pertaining to inspections are met; and

ii. All rental units of which the applicant is an owner, in whole or in part, are registered; and

iii. All fees due under this Chapter or Chapter 22A of the Cedar Rapids code for the Applicant’s residential rental unit(s) are paid in full; and

iv. All court judgments entered in favor of the City and against the applicant are paid in full; and

v. The applicant has placed on file with the code official the name(s), business address(es), telephone number(s) and e-mail addresses of the Owner and the Property Manager (if different than the Owner) who is responsible for day to day maintenance and management of the registered premises owned in whole or part by the applicant; and

vi. Landlord Business Permit fees are paid; and

vii. Completion and submission of an Application for Landlord Business Permit in such form and detail as prescribed by the code official.

c. Permit to Issue.

If the code official concludes that application information requirements have been met, then the code official shall issue the Landlord Business Permit.

29.42 SECTION 902 RENTAL PROPERTY OR RENTAL UNIT REGISTRATION

a. Registration Required; Notification of Changes

No person shall lease, rent, or let for occupancy, a residential rental unit in the City of Cedar Rapids, Iowa without first obtaining from the code official proper Rental Property or Rental Unit Registration, as the case may be. Rental Property or Rental Unit Registration shall not be transferred from one owner to
another. Each owner of residential rental property shall register the same with the code official within 30 days of transfer of title or possession of such property. It shall be the responsibility of the owner to inform the code official of any change in address for purposes of conducting business and communicating with the code official.

Exception: No registration shall be required for an Owner occupied single family dwelling, single family Condominium, or single family Cooperative, provided such Owner occupied dwelling, Condominium or Cooperative has no more than two tenants who are 18 years of age or older and unrelated to the Owner.

b. Application Requirements.

i. Application for Rental Property or Rental Unit Registration required by this code shall be made to the code official in such form and detail as prescribed by the code official, and shall include proof that Rental Business Training has been completed as set forth in this Subchapter.

ii. Rental Property or Rental Unit Registration fees shall be as set forth by Resolution of the City Council of Cedar Rapids and payment thereof shall accompany an application for Rental Unit Registration.

c. Mandatory Rental Business Training

i. Rental Business Training:

The Code Official, or a designee, shall develop a Rental Business Training course to advance compliance with this Subchapter, other applicable laws and best rental business practices. A description of the course and its goals must be approved by resolution of the City Council.

ii. Training Requirements upon Passage of Ordinance:

Regardless of whether they are also Owners of Rental Property, all those who are Property Managers within the meaning of this Subchapter at the time this ordinance becomes effective shall complete Rental Business Training prior to the next registration of the Rental Unit or Rental Property under his or her management.

Provided the Property Manager has otherwise complied with the Rental Business Training requirements set forth herein, that Property Manager shall not be required undergo Rental Business Training as to each and every unit or property under his or her management.

iii. Proof of Training Upon Registration of Rental Unit:

Upon registration of a Rental Unit, the Owner shall provide proof that the Property Manager for that Unit has undergone Rental Business Training and is otherwise in compliance with the training requirements set forth herein.

In the event a Property is being re-registered due to a Transfer of Title as provided in 29.34(f), and the Owner cannot prove compliance as required in this paragraph at the time of re-registration, the Owner shall have until the next available Rental Business Training Course to do so. Failure to submit proof
promptly thereafter will subject the re-registration to suspension or revocation as provided in this Subchapter.

iv. Training Required due to Nuisance Property Status:

If a rental property is deemed a Nuisance Property pursuant to Chapter 22A of this Code, then either the Owner of the Nuisance Property or, if approved by the code official, the Owner’s designated Property Manager for that Nuisance Property shall undergo Rental Business Training prior to the next registration of the Nuisance Property.

This provision shall not be construed so as to require a Property Owner or Owner’s designated Property Manager to take more than one class in any given year.

d. Rental Unit Registration to Issue.

When the owner has properly completed an application for registration of a rental unit, completed all requirements as provided herein and complied with all applicable codes, then Rental Unit Registration shall be issued. Such Registration does not indicate that a dwelling, dwelling unit, rooming unit, or sleeping unit meets the requirements of this code.

e. Annual Registration.

Rental Unit Registration shall be valid from the date of issuance and continuing until July 1st of each year. Registration may not be renewed unless all required fees have been paid in full for all rental unit(s) of which the applicant is an owner.

f. Change of Registration Information upon Transfer of Title.

The owner of any rental property or unit shall notify the code official within thirty (30) days of any change in the information required for Rental Property or Rental Unit Registration. If a rental property or unit is sold, assigned, or otherwise transferred, the rental property/unit must be re-registered within thirty (30) days of the transfer. The new owner shall notify the code official of any change in contact information for their designated local representative, including a change in name, address, e-mail address, telephone number, mobile telephone number, or facsimile number of the designated local representative within thirty (30) business days of the change.

29.43 SECTION 903 MANDATORY TENANT BACKGROUND CHECKS

a. Landlord Business Permit Holders shall perform a background check on all persons 18 years of age or older who newly occupy a rental unit after July 1, 2013, whether or not the person(s) has signed a lease. This requirement shall not apply with regard to persons already occupying a given rental unit prior to that date.

b. Background checks as referenced here shall include the following at a minimum:

i. A report of activity from Iowa Courts Online.
ii. A report from the Iowa Sex Offender Registry and the National Sex Offender Website maintained by the United States Department of Justice.

Landlords are encouraged but not required to obtain additional background information the Landlord deems appropriate.

c. Nothing herein shall be construed to indicate any preference or recommendation on the part of the City as to the selection of a tenant.

29.44 SECTION 904 SUSPENSION, REVOCATION OR DENIAL (OF LANDLORD BUSINESS PERMIT OR RENTAL UNIT REGISTRATION); RIGHT OF APPEAL; ORDER OF PRECEDENCE

a. Suspension, Revocation or Denial of Rental Unit Registration or Landlord Business Permit.

Using the Order of Precedence outlined in subsection b. of this section as a guiding principle for gaining compliance, the code official may revoke, suspend, deny, or deny renewal of any Rental Unit Registration or Landlord Business Permit issued under this Subchapter where any of the following applies:

i. False statements on any application or information or report required by this Subchapter to be given by the applicant, registrant, or permit holder.

ii. Failure to pay any application, penalty, re-inspection, or reinstatement fee required by this Chapter, Chapter 22A of the Cedar Rapids Municipal Code or City Council Resolution.

iii. Failure to correct deficiencies within the time frame specified in a Notice of Violation issued pursuant to this Chapter.

iv. Failure to comply with the provisions of an approved mitigation/remediation plan by the code official.

v. Failure to comply with the provisions of the Title VIII of the Fair Housing Act of 1968 (as amended).

vi. Declaration of status as Nuisance Property pursuant to Chapter 22A of the Cedar Rapids Municipal Code.

vii. Failure to provide proof of a Mandatory Tenant Background Check required by this Subchapter.

b. Order of Precedence for Suspending, Revoking, Denying or Denying Renewal

i. First course of action. A Rental Unit Registration may be suspended, revoked, denied, or not renewed as provided in subsection (a) of this section.

ii. Second course of action. A Landlord Business Permit may be revoked, suspended, denied, or not renewed as provided in subsection (a) of this section.

c. Right of Appeal

Any person directly affected by a decision of the code official or a notice of adverse decision under this code shall have the right to appeal that decision in accordance with Section 111 (Means of Appeal) of
this code. No Landlord Business Permit or Rental Unit Registration may be denied, suspended, revoked, or the renewal thereof denied unless notice and an opportunity to be heard is given the holder of the Permit or Registration, or applicant therefor.

29.45 SECTION 905 INSPECTION OF RENTAL PROPERTY

a. Regular rental inspection.

Regular rental inspections of rental property, rental units, and the common areas thereof, shall be inspected in accordance with a program of regular rental inspections conducted not more frequently than yearly nor less frequently than every 5 years for a Certificate of Compliance.

b. Other rental inspection.

Rental units may be inspected on a more frequent basis to ensure compliance with this code based upon one (1) or more of the following:

i. Information is received indicating that there is a violation of provisions of this code, or any state law;

ii. An observation is made by a code official, or police officer, or fire code official, or any other Government official of a possible violation of the standards or the provisions of this code or any state or federal laws;

iii. Information is received indicating that a rental unit is unoccupied and unsecured or that a rental unit is damaged by fire, water, or other causes detrimental to the structure;

iv. A determination must be made whether there is 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 tenant makes a request for an inspection. If a non-emergency inspection is requested by a tenant, then the tenant shall give a written notice to the owner. Fourteen (14) days after tenant notification to the owner, an inspection may be conducted by the code official.

vii. A dwelling unit is to be demolished by the City of Cedar Rapids, Iowa or the ownership is to be transferred to the City of Cedar Rapids, Iowa.

viii. A unit is declared a Nuisance Property pursuant to Chapter 22A of the Cedar Rapids Municipal Code.

29.46 SECTION 906 CERTIFICATE OF COMPLIANCE.

a. Certificate of Compliance Required.

It shall be a violation of this code for any person to let to another for rent and/or occupancy any dwelling, dwelling unit, rooming unit, or sleeping unit in the City of Cedar Rapids, Iowa unless the owner holds a valid rental Certificate of Compliance, a current Cedar Rapids issued Landlord Business Permit, and Rental Property or Unit Registration.
Unless a rental unit is re-inspected, the Certificate of Compliance shall be valid for a period of five (5) years from the initial regular rental inspection (shown as the Issue Date on the Certificate of Compliance). A Certificate of Compliance shall be transferable from one owner to another for the address for which it is applicable. A Certificate of Compliance shall in no way signify or imply that the premises for which it is issued is in conformance or compliance with all portions of the Municipal Code of Cedar Rapids, or the laws of Linn County or the State of Iowa. The City of Cedar Rapids shall maintain no liability in regard to the Certificate of Compliance.

**Exception:** for an owner occupied single family dwelling, or single family Condominium, or single family Cooperative, provided such dwelling, Condominium or Cooperative has no more than two tenants who are 18 years of age or older and unrelated to the Owner.

b. Requirements for Issuance.

The City shall issue a Certificate of Compliance for any rental unit upon request by the owner providing that the rental unit meets the following requirements:

i. Rental Unit Registration for the rental unit in question is on file with the code official; and

ii. The code official determines all provisions of this Chapter have been complied with by the owner; and

iii. All fees required by the Cedar Rapids City Council have been paid in full.

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

v. When a Building Code Certificate of Occupancy is issued by the City of Cedar Rapids for construction of a new dwelling containing one or more units, the code official shall issue a Certificate of Compliance when the Rental Unit Registration is complete for that property.

c. Suspension of Certificate of Compliance.

The code official shall suspend a Certificate of Compliance if the owner has not complied with the requirements set forth in a notice of a code violation. A Certificate of Compliance may be suspended for a given unit without effect on the other units for which the Certificate was issued.

The code official shall issue a notice of suspended certification to the owner stating that:

i. the Certificate of Compliance has been suspended as of the date of the notice and the reason for suspension; and

iii. any rental unit which is vacant at the time of suspension or which becomes vacant during the period of suspension shall not be rented or re-occupied until the Certificate of Compliance is re-instatement or a new Certificate of Compliance is issued; and

iv. failure to comply with the terms of suspension, as set out in this section, shall be a violation of this code; and
v. suspension of a Certificate of Compliance may be appealed to the Housing Code Board of Appeals as provided for in Section 111 of this code.

d. Reinstatement.

The code official will reinstate a suspended Certificate of Compliance after a regular inspection has been completed, fees have been paid in full, and the rental property/unit has been brought into compliance with the applicable standards of this code. Reinstatement of the Certificate of Compliance shall not extend or change the next inspection date of the Certificate of Compliance.

**29.47 SECTION 907 NOTICE UPON OFFER FOR SALE.**

Every person owning a rental property/unit under this chapter and offering such property for sale shall inform a prospective buyer of the following:

a. Current status of the Certificate of Compliance; and

b. Any notice regarding violations of this code, nuisance and zoning codes which are outstanding due to failure to correct violations; and

c. Full information regarding any court action presently filed against the property along with other required disclosure items in accordance with applicable real estate laws.

**29.48 SECTION 908 UNIFORM RESIDENTIAL LANDLORD AND TENANT LAW.**

This Subchapter shall not be construed so as to affect in any manner the application of the Uniform Residential Landlord and Tenant Law, presently codified as Chapter 562A of the 2015 Iowa Code, and as amended from time to time.

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Subchapter 10 Vacant and Neglected Building Regulations

29.49 Section 1001 General

1001.1 Scope. The provisions of this subchapter shall govern the requirements for all buildings and structures that are “vacant and neglected,” as that phrase is defined by this code, and have one or more building & housing code violations. The following describes the scope of this subchapter.

   a. Establishes a program for identification, registration, and regulation of building(s) which are or have become vacant and neglected;

   b. Determines the responsibilities of owner(s), as that term is defined by this code, of vacant and neglected building(s), as well as the owner’s authorized agent;

   c. Requires a written abatement plan be provided by the owner(s), or the owner’s authorized agent, to abate the violations;

   d. Provides for administration, enforcement and abatement of continued violations, and the establishment of registration fees; and

   e. Ensure that buildings identified as vacant and neglected are made code compliant within one (1) year from the date said buildings were declared vacant and neglected by the code official.

1001.2 Responsibility. It is the responsibility of owner(s) of property to prevent structure(s) thereon from becoming a burden and blight to the neighborhood and community and a threat to the public health, safety, and welfare.

29.50 Section 1002 Vacant and Neglected Building Determination

1002.1 When the code official finds that a structure meets the definition of a vacant and neglected building under this code, a notice shall be served upon the owner(s) of record in accordance with Section 107 of this code.

29.51 Section 1003 Vacant and Neglected Building Registration

1003.1 Registration Requirements.

A. Vacant and Neglected Building Registration:

1. The owner(s) or the owner’s authorized agent shall register a vacant and neglected building with the city within thirty (30) calendar days of the code official notifying the owner that the code official has declared the structure a vacant and neglected building or within thirty (30) calendar days of the building becoming vacant and neglected as defined by this code (regardless of whether the code official has officially declared the structure vacant and neglected), whichever is earlier.

2. The registration application shall include the following information:

   a. A description of the premises; address, legal description & GPN number;
b. The names, addresses and contact phone number(s) for all the owner(s), owner’s authorized agent(s) or mortgage lender’s account service representative(s);

c. The names, addresses and contact phone number(s) of all known lienholders and all other interested parties;

d. The name, address and contact phone number of a person designated to act on behalf of an out of town owner(s), to accept legal process and notices, and to authorize repairs as required (a letter from the legal owner(s) is required to assign a designee); and

e. Submittal of the written abatement plan required by 29.52 Section 1004 of this code.

B. Vacant and Neglected Building Registration Fees: The owner(s) or owner’s authorized agent of a vacant and neglected building shall pay an annual fee for the administrative cost of registering and processing the vacant and neglected building owner registration form and the costs of the city inspecting the building and site. This fee shall be paid in full prior to acceptance of the registration form for the subject property.

C. Inspections: The owner(s) or the owner’s authorized agent shall allow the code official to enter the property and structure for an initial code compliance inspection at the time of registration and for an annual inspection of the interior and exterior of the premises.

D. Failure to register a vacant and neglected building, failure to submit the required abatement plan or the provision of false information to the city shall constitute a violation of this code subjecting the owner(s), or the owner’s authorized agent, to penalties as provided in this code.

E. The owner(s) or the owner’s authorized agent shall notify the code official of any changes in information supplied as part of the building registration within thirty (30) days of the change.

F. Any transfer of ownership after registration as provided herein shall comply with Section 107.6 of this code.

29.52 Section 1004 Vacant and Neglected Building Abatement Plan

1004.1 Abatement Plan Requirements.
The owner(s) or the owner’s authorized agent shall submit a written plan of action at the time of registration which shall address all code violations, including the manner in which each violation will be remedied and a time schedule to correct each violation, and identify the date the building will be made code compliant and habitable or available for sale. The code official shall require completion of the plan of action within a reasonable period of time.

Any repairs, improvements or alterations to the property must comply with this code and the applicable building codes as referenced in subchapter 8 of this code.

1004.2 Authority to Modify the Abatement Plan

The code official shall, upon notice to the owner(s) or the owner’s authorized agent, have the right to modify the vacant and neglected building abatement plan by modifying the dates of performance, the proposed methods of action, or by imposing additional requirements. During the initial code compliance inspection, additional violations may be noted and required to be compliant as part of the plan. These additional requirements shall become part of the approved plan.
1004.3 Approval of the Abatement Plan.
After completing the code compliance inspection and reviewing the abatement plan of action, the code official shall approve, approve with modifications, or deny the plan. If the plan is approved or approved with modifications, the code official shall issue a registration permit to the owner or the owner’s authorized agent. A copy of the permit will be placed by the code official on the structure at a location visible from the street. The registration permit shall have the expiration date on it. Registration permits are valid for one (1) year from the date of issue.

1004.4 Failure to Comply with the Abatement Plan.
Failure to have an approved vacant and neglected building abatement plan within thirty (30) days of filing the registration form or failure to comply with the approved abatement plan within the timeframe approved shall constitute a violation of this code subjecting the owner(s) of the building to penalties as provided in this code.

29.53 Section 1005 Appeal

1005.1 Appeal.
Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal in accordance with Section 111 of this code.

29.54 Section 1006 Removal from Registration

1006.1 Removal requirements.
A vacant and neglected building shall be removed from the registration requirements of this subchapter by the code official upon such building:

A. Being brought into compliance with all housing and building codes and remaining violation free for a period of 90 days after code compliance was achieved;

B. Being removed or demolished by the owner; or

C. Being demolished by the City of Cedar Rapids.

29.55 Section 1007 Other Enforcement

1007.1 Other Enforcement.
The registration of a vacant and neglected building shall not preclude the code official from taking other action against the building or property.
Appendix A
Boarding & Fencing Standard

29.56 Appendix A. Boarding & Fencing Standard

A101 General

A101.1 General. All boarding and fencing of unsecure, unsafe structures or dangerous locations shall meet the requirements of this section.

All windows, doors and openings shall be secured or boarded in an approved manner to prevent entry by unauthorized persons and shall be coated (painted) with an appropriate neutral blending color as approved by the code official.

A102 Materials

A102.1 Materials – Board up. When a structure is required to be secured, openings shall be secured with a minimum of ½ inch plywood or OSB or such other comparable material as may be approved by the code official, sized to fit the opening.

Framing lumber used shall be of a minimum size to support the covering materials complying with the International Building Code.

Fasteners used shall be in accordance with the International Building Code.

A102.2 Materials – Fencing. Fencing shall be standard 48” snow fence (orange safety fencing commonly used in construction projects). Standard “T” posts with a flange and clip shall be used to support the fencing.

A103 Installation

A103.1 Installation – Board up. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window. Secured with approved fasteners.

A103.2 Installation – Securing & Locking. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved manner.

A103.3 Installation – Fencing. The fencing shall be installed to secure areas that are unsafe or dangerous as directed by the code official. Fencing shall be standard 48” snow fence (orange safety fencing commonly used in construction projects) supported by “T” posts with flange and clips to fasten to the posts. Posts will be spaced 6 - 8 feet apart with a flange below grade to sufficiently hold fencing from falling over. The safety fencing shall be secured to the “T” posts in a manner that they will not sag or become dislodged under normal conditions.
SECTION 2. VALIDITY AND SEVERABILITY The various sections, subsections, chapters or parts of this Ordinance and the International Property Maintenance Code hereby adopted are hereby declared to be severable and in the event that any such part of these provisions shall be held invalid for any reason, the invalidity of such section, subsection, chapter or part shall not invalidate any other of the provisions of this Ordinance or of the International Property Maintenance Code hereby adopted.

SECTION 3. ADOPTION OF CODE Pursuant to published notice, a public hearing has been duly conducted upon the date, time, and at the place fixed in said notice upon the adoption of this Housing Code and the City Council of the City of Cedar Rapids, Iowa, hereby determines and finds that said proposed Housing Code shall be and the same is hereby adopted as an ordinance of the City of Cedar Rapids, Iowa.

SECTION 4. CODE ON FILE An official copy of the Housing Code hereby adopted, including a certificate by the City Clerk as to its adoption and the effective date thereof, is on file in the office of the City Clerk in City Hall, and shall be kept there on file and copies shall be available for public inspection.

SECTION 5. EFFECTIVE DATE The proposed effective date of the Housing Code will be upon passage of the ordinance and publication as provided by law.

Introduced this 23rd day of June, 2015.

Passed this 28th day of July, 2015.

Voting: Council member Gulick moved the adoption of the ordinance; seconded by Council member Vernon. Adopted, Ayes, Council members Gulick, Olson, Poe, Russell, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

 Ron J. Corbett, Mayor

Attest:

Amy Stevenson, City Clerk