

AN ORDINANCE TO AMEND CHAPTER 5 OF THE SCOTT COUNTY CODE TO ADOPT AND AMEND PROVISIONS OF THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE TO APPLY TO MULTIFAMILY AND TOWNHOUSE UNITS WITHIN THE COMMUNITY AREA DEVELOPMENT OF PARK VIEW IN THE UNINCORPORATED AREA OF SCOTT COUNTY, IOWA

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY IOWA:

Section 1. AMEND CHAPTER 5 OF THE SCOTT COUNTY CODE SECTION 5.7 AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION

The International Property Maintenance Code, 2015 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, is hereby adopted as the minimum requirements for the condition of properties and existing structures with regard to the use, occupancy and condition with the following amendments:

- a. **101.1 Title.** Delete the section and replace with these regulations which shall be known as the **Scott County Housing Code** which includes the 2015 International Property Maintenance Code with amendments, hereinafter referred to as "this code".
- b. **102.3 Application of other codes.** Delete the section and replace with Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the applicable procedures and provisions of the Scott County Code, which includes, but is not limited to the National Electrical Code 2014 Edition, and the 2015 Editions of the International Building Code, International Residential Code, International Energy Conservation Code, International Swimming Pool and Spa Code, and the Uniform Plumbing Code. Nothing in this code shall be construed to cancel, modify, or set aside provisions of the Zoning Ordinance for Unincorporated Scott County.
- c. **103.1 General.** For purposes of this code, the Department of Property Maintenance Inspection shall be the Planning and Development Department and the Code Official shall mean the Scott County Planning Director.
- d. **103.5 Fees.** All applications shall pay a fee based on the fee schedule approved by the Board of Supervisors.
- e. **106.4 Violation penalties.** Delete the section and replace with 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. Nothing herein will prevent prosecution of violations of laws in addition to this code. Violations of this code shall be considered a municipal infraction and civil offense punishable by the provisions of County Code Chapter 29. Continued violations of this code for non-compliance may result in suspension or revocation of a Scott County issued Rental Property Permit and occupants may be required to vacate the property.
- f. **107.2 Form.** Add: 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.

- g. **111 Means of Appeal.** Change all references to the board of appeals to the Scott County Building Board of Appeals.
- h. **Add new 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 Building Board of Appeals hearing and adjudication of the notice or order, or any portion thereof.
- i. **111.3 Notice of Meeting.** Change 20 days to 30 days.
- j. **202 General Definitions.** Add the following definitions:

**RESIDENTIAL PROPERTY REGISTRATION.** A registration with the Scott County Sheriff's Department of a multi-family or townhouse rental property by the operator of rental unit within the Community Area Development known as Park View.

**RESIDENTIAL RENTAL PROPERTY; RESIDENTIAL RENTAL UNIT.** A structure containing four or more dwelling units, also any townhouse unit, which is let, leased or rented from or otherwise occupied by permission of the owner or other person in control of such unit, 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 multi-family residential rental property, or a townhouse rental unit within Park View as the context requires.

**RENTAL PERMIT.** A certificate obtained by an owner or operator from the Scott County authorizing the use of a multi-family or town house within Park View as a rental property by providing a registration application and vouching for the compliance with the applicable provisions of this chapter. Permits not renewed shall expire after 12 months following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

- k. **302.1 Sanitation.** Delete and replace with: 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. This provision shall not relieve the owner of responsibility under 301.2. No exterior accumulation of garbage, refuse, rubbish, household goods, materials or equipment 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.
- l. **302.1.1 Rubbish/Garbage Containers.** Add new section: All rubbish, garbage and refuse containers stored outside and intended to be utilized by a multi-family or townhouse residential unit shall be shielded from view of the public and surrounding properties by a fence or other approved obstruction. Rubbish, garbage, and refuse shall not be stored outside of the containers inside or outside of the shielded area.

Rubbish, garbage and refuse containers shall be capable of closing fully at all times. In the event the amount of rubbish, garbage and/or refuse prevents the proper closing of the containers, the operator shall cause the container to be collected, emptied or replaced with an empty one, regardless of the normal pick up schedule.

- m. **302.4 Weeds.** Insert 10 inches as the height in inches.
- n. **302.9 Defacement of Property.** Add to the end of the last sentence: within 14 days of being notified of graffiti, carving mutilation or defacement that is a violation of this code.
- o. **304.14 Insect screens.** Delete in its entirety and replace with: 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 1: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Exception 2: From October 31st to March 31st screens may be replaced with storm windows. Screens shall be used in place of storm windows outside of these dates."

- p. **307.1 Handrails and guardrails. General** ~~delete more than four risers and add four or more risers.~~
- q. **Add new section 310.1 Public Health Nuisances and Nuisance Activity.** Failure to comply with any of the General Requirements, Property Maintenance Requirements or any determination of public health nuisances under Chapter 25 of the Scott County Code or nuisance activity on any rental property subject to these regulations shall be considered a municipal infraction and civil offense punishable by the provisions of County Code Chapter 29. Continued violations of this code for non-compliance may result in suspension or revocation of a Scott County issued Rental Property Permit and occupant(s) may be required to vacate the property.
- r. **310.2 Nuisance Activity.**  
A Nuisance Activity exists when one or more of the following acts are committed within a period of twelve consecutive months upon a property, or within one thousand feet of the property, by an interested party or their permittee(s):
  - 1. Manufacture or delivery of a controlled substance in violation of Iowa Code Chapter 124;
  - 2. Kidnapping as defined in Iowa Code Chapter 710;
  - 3. Arson as defined in Iowa Code Chapter 712;
  - 4. Burglary as defined in Iowa Code Chapter 713;

5. Robbery as defined in Iowa Code Chapter 711;
6. Sex abuse as defined in Iowa Code Chapter 709;
7. Terrorism as defined in Iowa Code Section 708.6;
8. Willful injury as defined in Iowa Code Section 708.4;
9. Sexual exploitation of a minor in violation of Iowa Code Section 728.12;
10. Felony gambling in violation of Iowa Code Chapter 725;
11. Felony criminal mischief as defined in Iowa Code Chapter 716;
12. Animal fighting in violation of Iowa Code Section 717B.7; and
13. A single incident of a health code, environmental, or solid waste violation of such a magnitude that it is deemed a nuisance activity by the Code Official.

A nuisance activity exists when two or more of the following acts are committed within a period of twelve consecutive months upon a property, or within one thousand feet of the property, by an interested party or their permittee(s):

1. Possession of a controlled substance in violation of Iowa Code Chapter 124;
2. Carrying a dangerous weapon as defined in Iowa Code Section 724.4;
3. Riot as defined in Iowa Code Section 723.1;
4. Serious or aggravated misdemeanor criminal mischief as defined in Iowa Code Chapter 716;
5. Prostitution as defined in Iowa Code Section 725.1;
6. Serious or aggravated misdemeanor assault as defined in Iowa Code Chapter 708;
7. Serious or aggravated misdemeanor theft as defined in Iowa Code Chapter 714;
8. Misdemeanor gambling as defined in Iowa Code Chapter 725;
9. False imprisonment as defined in Iowa Code Section 710.7.

A nuisance activity exists when three or more of the following acts are committed within a period of twelve consecutive months upon a property, or within one thousand feet of the property, by an interested party or their permittee(s):

1. Health code violations;
2. Environmental or solid waste violations;
3. Unlawful assembly;
4. Simple misdemeanor of criminal mischief;
5. Simple misdemeanor assault;
6. Simple misdemeanor disorderly conduct; and
7. Criminal trespass.

The above references to provisions of the Iowa Code should not be interpreted to mean that a prosecution or conviction of the specific charge is a necessary prerequisite to an action under this chapter nor shall it be interpreted to mean that proof of the action beyond a reasonable doubt is required. However, a court conviction on the underlying charge is irrefutable proof of the occurrence.

- s. **602.3 Heat supply.** Delete the 1<sup>st</sup> paragraph only and replace it with Every owner and operator who rents, leases, or lets multi-family dwelling units or townhouses on terms,

either expressed or implied, shall 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. Cooking appliances or portable heaters shall not be used to maintain temperature.

- t. **603.7 Carbon monoxide alarms.** Carbon monoxide alarms shall be provided in dwelling units and shall be installed outside of each separate sleeping area within fifteen (15') feet of any bedroom. Such detectors can be battery operated and can be in combination with smoke detectors.
- u. **605.2 Receptacles.** Add to the end of the section All outlets within 6 feet of a water source shall be GFCI protected.
- v. **702.4 Emergency Escape and Rescue Openings.** Add before 1<sup>st</sup> sentence All sleeping rooms shall have one operable Emergency Escape and Rescue opening.
- w. Add new chapter:

## **Chapter 9: Rental Permits Required.**

### **Section 901 General**

**901.1 Scope.** The provisions of this chapter shall apply to all multi-family and townhouse dwelling units used or to be used as a residential rental property as defined in this code within the Community Area Development of Park View.

### **Section 902 Rental Permits**

**902.1 Rental Permit Required.** No person shall lease, rent, or let for occupancy a multi-family residential rental property units in the Community Area Development of Park View, located in unincorporated Scott County, Iowa without first obtaining a Rental Permit. Applications for Rental Permits shall be submitted to the Scott County Sheriff. A separate rental permit shall be issued for each dwelling unit in the multi-family dwelling. Rental Permits shall not be transferred from one owner to another. Each owner of rental property shall register and obtain a permit with the Scott County Sheriff within 30 days of transfer of title or possession of rental property. It shall be the responsibility of the operator to provide to the Scott County Sheriff complete registration information, including contact information, within 30 days of any change of owner or operator. Permits shall be valid for one (1) year, notwithstanding means of denial, revocation or suspension provided in this code.

**902.2 Registration Requirements.** Registration shall be made for each dwelling unit of a multi-family residential rental property and be considered an application for a Rental Permit. Registration shall be made to the Scott County Sheriff by completing such form and detail as prescribed by this code and the Scott County Sheriff and Building Official. In the event a firm, corporation, LLC or other entity is listed as the owner or operator, a person shall be named as the contact for the organization and full contact information shall be provided.

**902.3 Code Compliance Check List** The Building Official will provide a check list with the rental registration applications to be filled out by the owner attesting to the compliance of the rental unit with each requirement on the check list. All Rental Registration applications shall include such documentation, as deemed necessary, from the owner that each rental unit complies with the code requirements established by this ordinance. Rental Permits shall not be issued until such time as the rental unit is brought into compliance and the owner so attests.

**902.3 Permit Denied; Appeal.** Any person whose registration for a permit to lease, rent, let, permit, or allow occupancy of a rental property results in the permit being denied may request and shall be granted a hearing on the matter before the Scott County Building Board of Appeals under the procedures established by the Board of Appeals.

**902.4 Permit Fee.** Before the Scott County shall issue a rental permit under the provisions of this chapter, there shall be paid by the owner or operator a rental permit fee, the amount of which shall be set by resolution of the Board of Supervisors. A Permit that has been expired or revoked shall require the fee prior to re-issuance.

**902.5 Permit Suspension.** Whenever, upon inspection of any rental dwelling unit, the Scott County Sheriff or the Building Official finds that conditions or practices exist which are in violation of any provisions of this chapter, the Scott County Sheriff or the Building Official shall give notice in writing to the owner and/or manager of such unit that unless the conditions or practices causing the violation are corrected within a reasonable period, to be determined by the Scott County Sheriff or the Building Official, the permit shall be suspended. At the end of such period, the Scott County Sheriff, Sheriff's Deputy or Building Inspector shall re-inspect such unit and if the Sheriff or Building Official finds that the violations continue to exist may suspend the rental permit by providing by written notice to the operator that the permit has been suspended. Upon receipt of notice of suspension, such owner/operator shall immediately cause occupants to vacate the premises until the Sheriff or Building Official determines the violations have been corrected. In instances where violations of this chapter are confined to one (1) of multiple dwelling units within a premises and in the judgment of the Building Official do not constitute a hazard to health or safety elsewhere, the Building Official shall limit the application of the requirement to vacate the premises to the areas and/or units in which the violations exist.

**902.6 Permit Suspended; Appeal.** Any person whose permit to operate a rental dwelling unit has been suspended or who has received notice from the building official that a permit is to be suspended unless existing conditions or practices are corrected, may request and shall be granted a hearing on the matter before the Scott County Building Board of Appeals under the procedures established by the Board of Appeals.

## **Section 903 Background Checks**

**903.1 Mandatory Background Checks.** Permit holders shall perform a background check on all persons 18 years of age or older who currently occupy or will occupy a rental unit as of the effective date of this ordinance, whether or not the person(s) has signed a lease. This requirement shall apply with regard to persons already occupying a given rental unit prior to the effective date of this ordinance and all persons that will occupy such units after the effective date of this ordinance.

**903.2 Minimum Requirements of Background Checks.** Background checks may be obtained through the Scott County Sheriff's Office, through a third party engaged in the business of providing background checks or through other approved means. Background checks as referenced here shall include the following at a minimum:

- a.) A report of activity from Iowa Courts Online.
- b.) A report from the Iowa Sex Offender Registry and the National Sex Offender Website maintained by the United States Department of Justice.

Permit holders are encouraged, but not required, to obtain additional background information they deem appropriate. Nothing herein shall be construed to indicate any preference or recommendation on the part of Scott County as to the selection of a tenant. Operators are free to use the information discovered to the degree they see fit.

**903.3 Proof of Background Check.** Upon the Scott County Sheriff's Office's request, operators shall show proof that the background check requirement has been met by providing a receipt, cover sheet or other means that includes the tenants name. The background check is the property of the person ordering the check, and it is within the rights of the operator to withhold the information within once proof of a background check being completed has been provided.

## **Section 904 Mandatory Written Lease**

**904.1 Mandatory written lease.** Owners and operators of all Rental Properties for which a Rental Permit is required must have written leases or written rental agreements with all tenants.

**904.2 Lease Information.** Written lease agreements must contain the following information:

- 904.2.1** The full name of all occupants of the dwelling unit;
- 904.2.2** The street address and unit number to be occupied;
- 904.2.3** The terms of the agreement including the amount of rent and when it is due.
- 904.2.4** The party responsible for utility costs;
- 904.2.5** The terms for the operators access to the dwelling unit, such as 24-hour notice, emergencies, and welfare checks;
- 904.2.6** The method for the operator and tenant to provide written notices to each other, including complete contact information for each party;
- 904.2.7** A notice to the tenants that it shall be a violation of the lease to commit any act or allow any activity to occur on the leased premises which violate any Federal, State, or local laws, regulations, or ordinances which are in effect or which may be enacted during the term of the lease or rental agreement;
- 904.2.8** Provide a description of the arrangement or responsibilities for emergency relocation of tenant(s), if ever needed.

**904.3 Proof of Lease.** Upon the Scott County Sheriff's Office's request, operators shall show proof that a lease or rental agreement is currently in force.

**Exception-** The requirement for a written lease or rental agreement is waived in the event the landlord and tenant have a familial relationship (defined as spouse, parents, children, brothers, sisters, grandparents, grandchildren, brother-in-law, sister-in-law, mother-in-law, father-in-law, step-family and foster children.)

## **Section 905 Inspections**

**905.1 Inspections.** The Building Official is hereby authorized to enter and make inspections to determine the condition of any unit within a multi-family rental property or townhouse rental property located within the Park View Community Area Development in Scott County in order to perform the duty of safeguarding the health and safety of the occupants and of the general public. Inspections shall be made:

- 905.1.1** Upon receipt of a complaint from a person or party identifying themselves, made or filed with County officials;
- 905.1.2** When just cause is found and a warrant has been obtained after a request to enter has been denied;
- 905.1.3** A public health, safety or welfare emergency is observed or is reasonably believed to exist;
- 905.1.4** A tenant makes a request for an inspection. If a non-emergency inspection is requested by a tenant, the tenant shall provide written notice to the owner per 562A.21 of Iowa Code. Seven (7) days after tenant notification to the owner, an inspection may be conducted by the building official.
- 905.1.5** An operator makes a request for an inspection. A non-emergency inspection may be made following the terms for accessing the unit provided in the lease.
- 905.1.6** When a request for a welfare check is made due to concerns for the occupants wellbeing. When making a welfare check, the Scott County Sheriff's Office shall be present and follow protocol established for such occurrences.
- 905.1.7** For the purpose of making inspections, the Building Official is authorized to enter, examine and survey at all reasonable times all such dwellings, dwelling units, rooming houses, rooming units and premises with the consent of the owner, tenant or operator. Such inspections shall be at reasonable times on week days when the owner, operator or responsible occupant is present. In the event that there is sufficient evidence to indicate a violation of this code, and the operator or occupant refuses to allow the Building Official access at reasonable times, the Building Official or a designee shall secure a warrant to inspect the dwelling on the basis of the refusal to allow entry.

**905.2 Inspection Fee.** Under the provision of this chapter, following an initial inspection, there shall be paid by the owner or operator additional rental inspection fees, the amount of which shall be set by resolution of the Board of Supervisors.



## **Section 906 Emergency Order**

**906.1 Emergency Order.** Whenever the Building Official finds that an emergency exists which threatens immediately the public health, the building official may issue an order reciting the existence of such an emergency and requiring that such action be taken as the building official deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately. However, upon petition for an appeal to the building official, shall be afforded a hearing at the earliest expedient time. After such hearing, depending upon its findings as to whether the provisions of this chapter have been complied with, the Building Board of Appeals shall continue such order in effect, modify it or revoke it.

## **Section 907 Conflict**

**907.1 Conflict.** Enforcement of the Housing Code shall not be construed for the particular benefit of any individual or group of persons, other than the general public. In the event of a conflict between this section and any other section of the Housing Code, this section shall govern insofar as applicable.

## **Section 908 Liability**

**908.1 Liability.** Scott County and its employees are not liable for damages to a person or property as a result of any act- or failure to act- in the enforcement of this Code. The Housing Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any equipment or structure regulated herein for damages to a person or property caused by its defects, nor shall the County or any County employee be held as assuming any such liability by reason of the inspections authorized by this Code or any approvals issued under this Code.

## **Section 909 Effective Date**

**909.1 Compliance.** Property covered by provisions of this code shall be in compliance within ninety (90) days after the effective date of this Ordinance.

Section 2. The County Auditor is directed to record this ordinance in the County Recorder's Office and publish the new ordinance in accordance with State Law.

Section 3. Severability Clause. If any of the provisions of the Ordinance are for any reason illegal or void, then the lawful provisions of the Ordinance, which are separate from said unlawful provisions shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

Section 4. Repealer. All ordinances or part of ordinances in conflict with the provisions of the Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall be in full force and effect after its passage and publication as by law provided.

Approved this \_\_\_ day of \_\_\_\_\_, 2020.

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Tony Knobbe, Chair of the Board  
Scott County Board of Supervisors

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Roxanna Moritz, County Auditor