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Keokuk Co Recorder
Melissa R. Bird

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**KEOTA MUNICIPAL ORDINANCE 230
AN ORDINANCE ADOPTING THE 2009 INTERNATIONAL PROPERTY
MAINTENANCE CODE AND PROVIDING FOR REGULAR INSPECTIONS OF
RESIDENTIAL RENTAL PROPERTY
Recorder's Cover Sheet**

Preparer Information:

Joan Netten-Andregg, City Clerk, City of Keota, PO Box 77, Keota, IA 52248, (641) 636-2266,

Taxpayer Information:

N/A

Return Address

Joan Netten-Andregg, City Clerk, City of Keota, PO Box 77, Keota, IA 52248

Grantors:

Anthony Cansler, Mayor

Joan Netten-Andregg, City Clerk

Grantees:

Legal Description:

Document or instrument number if applicable:

Ordinance Number 230

AN ORDINANCE ADOPTING THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE AND PROVIDING FOR REGULAR INSPECTIONS OF RESIDENTIAL RENTAL PROPERTY

BE IT ENACTED by the City Council of the City of Keota, Iowa:

SECTION 1. ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009. That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Keota, being marked and designated as "International Property Maintenance Code, 2009" as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the City of Keota, in the State of Iowa; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code, 2009, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. The following sections of the Internal Property Maintenance Code, 2009, adopted by reference herein, are hereby revised:

Section 101.1	Insert:	"City of Keota, Iowa,"
Section 103 (heading)	Rename:	"Code Official"
Section 103.1.	Replace with:	Code Official. For purposes of this code, the code official shall be the building official designated in <u>Keota Municipal Code Section 6-12-2 Building Official.</u>
Section 103.2.	Delete	
Section 103.5.	Replace:	Fees. The fees for activities and services performed by the building official or in carrying out its responsibilities under this chapter shall be those adopted by resolution of the Council and may be amended from time to time by the Council.
Section 104.7.	Insert:	Complaint Inspections. An inspection of a premises may be initiated by the filing of a complaint with the building official. The costs of an inspection in such instances shall be assessed to the owner or operator of the premises in the event that violations of this chapter are found to exist. In the event that the building official determines that such complaint was filed maliciously or with the intent to harrass an owner or operator, the building official may assess the costs of such an inspection against the party filing the offending complaint.
Section 111.2.	Delete & Replace:	Appeals Board. Appeals shall be to the City Council of the City of Keota. The mayor shall be the chairman of the board and shall appoint a secretary for such proceedings.
Section 302.4	Insert	six inches

Section 304.14.	Insert:	April 1 to October 1
Section 602.3.	Insert:	September 1 to April 30
Section 602.4.	Insert:	September 1 to April 30
Section 704.2	Delete:	Subsection 2

SECTION 3. RESIDENTIAL RENTAL INSPECTIONS. The following provisions are hereby adopted to codify the residential rental inspection process previously implemented by rule:

6-25-901 DWELLING UNIT REGISTRATION

All dwelling units let for occupancy or let (also referred herein as “residential rental real estate”) shall be required to register with the building official within thirty (30) days of conversion of any-owner occupied-real estate to residential rental-real estate.

6-25-902. EXEMPTIONS FROM REGISTRATION AND RENTAL PERMIT

The registration and rental permit herein required herein shall not apply to the following residential rental real estate:

1. A dwelling unit that is occupied by the grantor(s) of a revocable trust that is the record title holder of the real estate, or
2. A dwelling unit occupied by a minister or priest in the course of his or her duties as the faith leader of a record title holder.

6-25-903. APPLICATION FOR RENTAL PERMIT

The owner or operator of any residential rental real estate shall file an application and registration for a rental permit with the building official. The application shall provide the following information:

1. Name and contact information of the owner ;
2. Legal description and address of the subject property;
3. The name and contact information of any mortgagee or holder of any other lien or encumbrance of record, any contract buyer, and the tenant;
4. Any additional information as required by the building official.

6-25-904. ISSUANCE OF RENTAL PERMIT.

If the building official determines that all applicable provisions of this chapter have been complied with, or a variance or modification allowed, a rental permit shall be issued to an owner or operator upon payment of the required fees. A rental permit shall be serve as evidence that the residential rental real estate has been determined by inspection to be in compliance with the requirements of this chapter at the time of issuance and shall be valid for a period of two (2) years from the date of issuance.

6-25-905. WAIVER OF INSPECTION

An owner or operator may apply to the building official for a waiver of the inspection requirement herein where the dwelling unit has been inspected by an inspector certified by the State of Iowa or Department of Housing and Urban Development within the prior six months and was found to be in satisfactory condition. Such requests may be granted where the building official believes that the safety of the tenants are sufficiently protected and an

inspection by the building official would be duplicative. In the event that the building official declines to waive the inspection requirement, the owner or operator may apply to the Council for a waiver of the inspection fee.

6-25-906. RENTAL PERMIT REQUIRED

No residential rental real estate may be let or otherwise occupied unless a rental permit has been issued and has not expired therefor. In the event that a record title holder, contract buyer or agent shall fail to obtain the required rental permit provided for herein, the building official may order the residential rental real estate vacated and shall serve notice therefor upon the record title holder, contract buyer and agent of the residential rental unit, as well as the tenant. Failure to obtain a rental permit shall also serve as a basis for refusal to provide water service or to discontinue water service. Any disconnection and/or reconnection of water service due to failure to secure a rental permit provided herein shall subject the account holder to the disconnection and reconnection fees provided in Keota Municipal Code Section 6-4-5. A record title holder, contract buyer and/or agent who allows a tenant to occupy rental real estate without having secured a rental permit shall be guilty of a simple misdemeanor or municipal infraction and each day a tenant occupies the rental real estate in violation of this ordinance shall be a separate and distinct violation.

6-25-907. PUBLIC RECORD

The issuance of a rental permit shall be a public record and information pertaining to said permits shall be available for public inspection.

6-25-908. FAILURE TO REGISTER

Failure to register as required shall be a simple misdemeanor or municipal infraction and each day after the deadline that a residential rental unit remains unregistered is a separate and distinct violation.

6-25-909. APPOINTMENTS FOR INSPECTIONS

Appointments for inspections with the owner or operator shall be scheduled by the city. The owner or operator may request the appointment to be rescheduled. However, the inspection shall be performed within thirty (30) days of the original date. An owner or operator shall be required to arrange for access to all areas of a structure to be inspected. Failure to provide access to all areas of the structure will not satisfy the inspection requirement and shall require a reinspection of the residential rental real estate. The owner or operator shall provide notice to the tenant of the inspection appointment according to the requirements of Iowa Code Chapter 562A.

6-25-910. TEMPORARY OR PROVISIONAL EXTENSION OF PERMIT

The building official may provide for a temporary or provisional permit if circumstances warrant. For example, permits may be issued while the record title holder, contract buyer or agent resolve violations uncovered during an inspection and cannot be remedied prior to expiration of the existing rental permit or conditions exist which will not allow for an inspection to be scheduled by the building official prior to expiration of a rental permit. A new rental permit issued for the dwelling unit thereafter shall relate back to the expiration of the prior rental permit when issued.

6-25-911. NOTICE ON SALE OF RESIDENTIAL RENTAL REAL ESTATE

Every person holding a rental permit as provided in this chapter shall provide notice to the building official within thirty (30) days after having sold, transferred, conveyed, or otherwise disposed of their ownership of the residential rental real estate relating thereto. The notice shall include the name and contact information for the new owner. In addition, the seller or transferor thereof shall provide to a prospective buyer the current status of the rental permit for the dwelling unit and comply with the requirements of Section 107.5 of this chapter.

SECTION 4. REPEALER. That Ordinance No. 221 of the City of Keota, Iowa, entitled "~~An Ordinance Approving the Adoption of the International Property Maintenance Code as Published~~ by the International Code Council, Inc." and all other ordinances or parts of ordinances in conflict herewith are repealed.

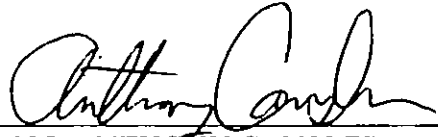
SECTION 5. SEVERABILITY CLAUSE. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of Keota, Iowa, hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 6. EFFECT ON EXISTING PROCEEDINGS. Nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance. Any property remaining subject to reinspection or not having established its compliance and issuance of a rental permit thereby under the repealed ordinance shall be subject to the appropriate provisions of the newly adopted ordinance herein upon adoption. Any rental permit issued under the repealed ordinance shall serve to establish compliance under the ordinance adopted herein until the expiration of the rental permit issued in relation thereto. Owners and operators not subject to existing reinspection requirements shall have until November 1, 2010, to establish compliance with prior inspection deficiencies and secure the issuance of a two-year rental permit effective as of the date of the original inspection. Owners and operators subject to existing reinspection requirements shall have until December 1, 2010, to establish compliance with the repealed ordinance and secure a two-year rental permit, except that all fees for reinspection shall be those established by resolution under the new ordinance. All appeals under either ordinance shall be handled as provided in revised Section 111.2 of the Property Maintenance Code of the City of Keota adopted herein.

SECTION 7. CERTIFICATION BY CLERK. Pursuant to Iowa Code Section 380.11, the Clerk shall certify this Ordinance to the Keokuk County Recorder.

SECTION 8. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 4th day of October, 2010, and approved the 4th day of October, 2010.



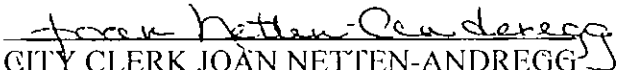
MAYOR ANTHONY CANSLER

ATTEST:



CITY CLERK JOAN NETTEN-ANDREGG

I certify that the foregoing was published as Ordinance 230 on the 13th day of October, 2010.



CITY CLERK JOAN NETTEN-ANDREGG

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