

Ordinance No. _____

An Ordinance Amending Chapter 159 of the Charles City Code of Ordinances
Providing for Additional Standards Related to the Licensing and Inspection of Rental
Properties within the Corporate Limits
of the
City of Charles City, Iowa.

Be it enacted by the City Council of the City of Charles City, Iowa:

Section 1. AMENDED SECTION. Section 159.10 of Chapter 159 is hereby amended to read as follows:

159.10 PROPERTY STANDARDS.

A. All rental properties must substantially conform to the following provisions of the International Property Maintenance Code, 2012 as published by the International Code Council, Inc., the provisions of which are by this reference adopted and made part of this chapter:

1. Definitions of Chapter 2
2. Section 302.5 pertaining to Rodent Harborage
3. Section 304.1.1 pertaining to Unsafe Conditions, Exterior Structure
4. Section 304.3 pertaining to Premises Identification
5. Section 304.13 pertaining to Window, Skylight and Door Frames
6. Section 304.14 pertaining to Screens for the period from April 1 – November 1 in each year
7. Section 304.15 pertaining to Doors
8. Section 304.18 pertaining to Building Security
9. Section 305 pertaining to Unsafe Conditions, Interior Structure
10. Section 306 pertaining to Unsafe Conditions, Component Serviceability
11. Section 307 pertaining to Handrails and Guardrails (but amended by requiring a handrail on exterior and interior flight of stairway having more than three rather than more than four risers)
12. Section 402.2 pertaining to Common Halls and Stairways

13. Section 403.2 pertaining to Bathrooms and Toilet Rooms
14. Section 403.5 pertaining to Clothes Dryer Exhaust
15. Section 504 pertaining to Plumbing Systems and Fixtures
16. Section 505 pertaining to Water Supply
17. Section 506.1 pertaining to Sanitary Drainage System
18. Section 506.2 pertaining to Maintenance
19. Section 602 pertaining to Heating Facilities (dates for heat being November 1 through April 1, inclusive)
20. Section 603 pertaining to Mechanical Equipment
21. Section 604 pertaining to Electrical Facilities
22. Section 605 pertaining to Electrical Equipment
23. Section 606.2 pertaining to Elevators
24. Section 702.1 pertaining to Means of Egress, General
25. Section 702.3 pertaining to Means of Egress, Locked Doors
26. Section 704 pertaining to Fire Protection Systems

B. All rental properties must substantially conform to the following sections of the Code of Ordinances of the City of Charles City:

1. 158.07 Maintenance of Exterior of Premises;
2. 158.08 Storage of Commercial and Industrial Material;
3. 158.09 Landscaping;
4. 158.10 Reconstructed Walls and Sidings;
5. 158.11 General Maintenance;
6. 158.12 Structural and General Maintenance;
7. 158.13 Removal of Garbage.

C. All rental properties must be inhabited subject to a written lease and, if such lease is executed after the effective day of this section, such tenancy may only occur following written application of the tenant to owner for the dwelling which application shall require tenant to disclose (a) all places of tenancy within the preceding two (2) years and the disposition of each, and (b) any and all lawsuits, civil or criminal, to which any proposed occupant of the dwelling has a party in the preceding five (5) years.

D. All rental properties must be inhabited subject to a written lease containing the following provision:

In the event that any person not named as a Tenant under this Lease occupies the rental property for a period greater than five (5) hours (the "New Occupant"), the Tenant and New Occupant shall notify _____ not later than the sixth (6th) hour the New Occupant has occupied such rental property and disclose:

1. The name and age of the New Occupant;
2. The place of birth of the New Occupant;
3. All names used by the New Occupant in the preceding ten (10) years; and
4. The most recent three (3) places of domicile of the New Occupant.

Due to the difficulty of determining actual damages suffered by Landlord and other interested parties in the event of any breach of this provision, Landlord and Tenant agree and stipulate that, as liquidated damages in the event of a breach of this provision, Tenant shall pay to Landlord Five Hundred and no/100ths Dollars (\$500.00) for each instance in which Tenant has failed to provide the notification required, and Five Hundred and no/100ths Dollars (\$500.00) for each day that transpires between the moment the New Occupant first occupies the rental property and the day on which both Tenant and New Occupant have provided the notification required under this provision.

Neither Tenant nor any person in legal occupancy of the Premises with Tenant shall perform any act nor permit any practice which could cause damage to the reputation of the building or Landlord, be injurious thereto or to any person, be illegal, immoral, or increase the rate of insurance on the Building. Without limiting the generality of the foregoing, Tenant and Landlord hereby stipulate, covenant, and agree that the use, possession or sale of illicit or illegal drugs (such, being any item or substance, not legally prescribed by a practicing, licensed physician, which is regulated or controlled by Iowa Code Section 124.401 *et seq.*, and hereinafter referred to as a "Drug" or "Drugs"), Drug paraphernalia, substances, or items ("Forbidden Acts") constitute *per se* damage to the reputation of the building, is *per se* injurious thereto, is *per se* dangerous and injurious to persons within the building, is *per se* illegal and immoral, and is likely to increase the rate of insurance on the Building. Any Tenant engaged in a Forbidden Act or permitting a Forbidden Act to occur in or near the Premises or the Building is in breach of a material provision of this Lease. Landlord does not allow any Drugs or Drug paraphernalia to be used or possessed at any of Landlord's properties, including, but not limited to, the Premises or the Building. Tenant acknowledges that Landlord intends to cooperate with governmental

authorities, including the police, by informing these authorities if Landlord has responsible grounds to believe that Tenant, Tenant's guest or invitees are engaged in illegal activity in the Premises or at the Building. If Tenant, Tenant's guests or invitees are found in possession of Drugs or Drug paraphernalia, Landlord may pursue legal remedies, including, but not limited to, eviction and civil action(s) for damages. Tenant hereby acknowledges and agrees that Landlord, in inspecting the Premises or the Building as permitted by this Lease and the Iowa Code, may obtain the services of Drug-detecting animals in ascertaining compliance with the Lease. Without limiting the generality of the foregoing, Tenant and Landlord hereby stipulate, covenant, and agree that any Tenant, invitee, licensee or any guest of any Tenant engaging in the Forbidden Acts is placing at risk well-being of all persons at, in or near the Premises and the Premises such as to provide grounds for immediate removal of such person from the Premises. Notwithstanding anything in this Lease to the contrary, at no time during the term of this Lease shall more persons reside in the Premises than would be permitted by the applicable building and/or zoning codes for the local government. Tenant assumes full responsibility for all guests, licensees and invitees in Tenant's Premises. In the event that any such guest, licensee or invitee of Tenant is deemed disruptive (for example, through loud talking, speaking, quarrelling or use of abusive, threatening or demeaning language or conduct directed at any person connected with the Premises in any way) or undesirable to the Building, its operations, reputation or security, Landlord may require that Tenant cause such guest to immediately leave the Premises and the Building. Landlord shall have the further right to permanently bar any guest, licensee or invitee of Tenant upon written demand. Any person remaining on the Premises in contravention of this section will be deemed a trespasser, and shall be subject to removal and possible arrest. In the event that Tenant fails to cooperate with Landlord's efforts to remove or bar any person as aforesaid, such failure shall constitute a material breach of this Lease.

D. No building shall be used as a rental property where the presence of illicit or illegal drugs (such, being any item or substance, not legally prescribed by a practicing, licensed physician, which is regulated or controlled by Iowa Code Section 124.401 *et seq.*) is detected in any three separate inspections of the building within the same twelve-month period, whether such detection is by peace officer, city inspector, state actor or private citizen, *provided, however*, that in the event illicit or illegal drugs are so detected, the building may be used as a rental property if:

1. The owner or manager has informed each occupant of the building in question of the building's non-compliance with this section D; and
2. The owner or manager of such building has published in the Charles City Press a legal notice describing, in detail, the situation giving rise to the building's non-compliance with this section D, the building's address, the name of the building's owner and (if applicable) manager, and the name of each person known to have occupied the building during the six month's preceding the date of the notice.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Severability. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. When Effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the City Council on this _____ day of _____, 2017.

James A. Erb, Mayor

ATTEST:

Trudy O'Donnell, City Clerk

CERTIFICATE

I, Trudy O'Donnell, City Clerk of the City of Charles City, Iowa, do hereby certify that the above and foregoing Ordinance No. _____ was duly published in the Charles City Press, a newspaper published daily in the city of Charles City, Iowa, on the _____ day of _____, 2013.

Trudy O'Donnell, City Clerk