

CHAPTER 29**BUILDING AND PROPERTY REGULATIONS****SUBCHAPTER I****BUILDING CODE**

29.01 ADOPTION - BUILDING CODE. The "Iowa State Building Code" promulgated by the Iowa State Building Code Advisory Council and the Iowa State Building Code Commissioner pursuant to Code of Iowa Chapter 103A is hereby adopted as and shall constitute the "Building Code of the City of Windsor Heights, Iowa" to regulate the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures in the City of Windsor Heights, Polk County, Iowa, and the same is by this reference incorporated herein as fully and completely as if set forth in full.

29.02 SHORT TITLE. This ordinance known as the Windsor Heights Iowa, Building Code, may be cited as such, and will be referred to herein as "The Building Code".

29.03 ADMINISTRATIVE PROVISIONS Administration of this ordinance shall be as provided in this section and in the following sections of the several codes named, which are hereby adopted by reference, to provide procedures for local enforcement of the codes, constituting the Windsor Heights, Iowa Building Codes.

The Building Official shall be responsible for the enforcement of the Building, Electrical, Plumbing, Mechanical, Fire, Housing, Dangerous Building Codes, and such other ordinances as shall be assigned to him or her and shall perform such other duties as may be required by the City Administrator.

The Building Official shall be accountable for the issuance of all applicable permits under this ordinance and shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code, subject to approval of the Council of the City of Windsor Heights, Iowa, as he or she may deem necessary in order to clarify the application of the provisions of this code.

Such rules, regulations, and interpretations, shall be in conformity with the intent and purpose of this code.

29.04 ADOPTION OF BUILDING CODES The following codes are hereby adopted as, and constitute, "The Building Code" of the City of Windsor Heights, Iowa, to regulate the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings, or structures, in the City of Windsor Heights, Iowa, and the same is by this reference incorporated herein as fully and completely as if set forth in full herein.

1. The International Building Code, 2006 Edition and Appendix Chapters, as published by the International Code Council.
 - A. Sec.101.01. Title. Insert Windsor Heights.
 - B. Sec. 101.4.1, Electrical. After ICC Electrical Code insert “and the National Electrical Code, 2005 Edition, as Published by the National Fire Protection Assoc.
 - C. Sec. 101.4.2 Gas. After ICC Fuel Gas Code insert “2006 Edition.”
 - D. Sec. 101.4.3 Mechanical. After ICC Mechanical Code insert “2006 Edition.”
 - E. Sec. 101.4.4 Plumbing. After ICC Plumbing Code insert “2006 Edition.”
 - F. Sec. 101.4.5 Property Maintenance. After ICC Property Maintenance Code insert “2006 Edition.”
 - G. Sec. 101.4.6 Fire Prevention. After ICC Fire Code insert “2006 Edition.”
 - H. Sec. 101.4.7 Energy. After ICC Energy Conservation Code insert “2006 Edition.”
 - I. Sec. 104.11. Alternative methods. After paragraph insert “the Iowa Administrative Code 661, Chapter 16, Div. VI, Part 2 Manufactured Home Construction is hereby adopted for installation of mobile (manufactured) homes.”
 - J. Sec. 108.2. Fees. After “in accordance with the” insert “attached scheduled as established by 29.05 of the Code of Windsor Heights, Iowa.”
 - K. Sec. 108.3. Valuations. At the end of the last sentence delete

- period and insert “using the latest Building Valuation Data Sheet.”
- L. Sec. 1612.3 Insert “Windsor Heights”.
 - M. Sec. 1612.3 Insert “October 16, 1992”.
 - N. Sec. 3109.3. Swimming pools. Delete 4 feet and insert “5 feet.”
 - O. Sec. 3109.4.1. Barrier height. Delete 4 feet and insert “5 feet.”
2. The International Mechanical Code and Appendix Chapters, 2006 Edition, as published by the International Code Council.
- A. Sec. 101.1. Title. Insert Windsor Heights.
 - B. Sec. 106.6.2, Fee Schedule. Insert “Windsor Heights fee schedule.”
 - C. Sec. 108.4 Penalties. Insert “The maximum amount allowed by State Law. Each day a violation continues constitutes a separate violation.”
3. The International Plumbing Code and Appendix Chapters, 2006 Edition, as published by the International Code Council, subject to the following:
- A. Section 101.1 Insert "Windsor Heights, Iowa.
 - B. Section 106.6.2 Fee Schedule. Insert "Windsor Heights, Iowa plumbing permit fees."
 - C. Sec. 108.4 Insert “\$500 for first offense and \$750 for each additional offense. Each day a violation continues constitutes a separate violation.”
 - D. Sec. 305.6.1. Insert “42 inches” in 2 places.
 - E. Sec. 904.1. Insert “12 inches.”
4. The National Electrical Code and Appendix Chapters, 2005 Edition, as published by the National Fire Protection Association, subject to the following:

- A. Permit fees for electrical work shall be according to the attached Windsor Heights electrical fee schedule located in section 29.05 of the Windsor Heights Code of Ordinances.
5. The International Fire Code and Appendix Chapters, 2006 Edition, as published by the National Fire Protection Association.
 - A. Sec. 101.1 Insert “Windsor Heights”.
 - B. Sec. 109.3 Penalties. Insert “The maximum amount allowed by State Law. Each day a violation continues constitutes a separate violation.”
 6. The Life Safety Code and Annex A & B, 2006 Edition, as published by the National Fire Protection Assoc.
 7. The International Property Maintenance Code, 2006 Edition, as published by the International Code Council.
 - A. Sec. 101.1 Insert “Windsor Heights”.
 - B. Sec. 103.6 Fee Schedule. Insert “Windsor Heights” and Rental Housing Compliance Inspection Fee Schedule.
 - C. Sec. 303.14. Screens. Insert “April 15” and “September 15”.
 - D. Sec. 602.3 Heat. Delete “during the period from date to date.”
 - E. Sec. 602.4 Work spaces. Delete “during the period from date to date.”
 8. The International Residential Code for One & Two Family Dwellings and Appendix Chapters, 2006 Edition, as published by the International Code Council.
 - A. Sec. R101.1 Insert “Windsor Heights”.
 - B. Sec. R104.1 Alternative methods. After paragraph insert “The Iowa Administrative Code 661, Chapter 16, Div. VI, Part 2, Manufactured Home Construction is hereby adopted for installation of manufactured (mobile) homes.”
 - C. Sec. R208.2 Permit fees. After --- “in accordance with the”---insert “attached schedule as established by Windsor Heights for the regular Building Permit Fee Schedule.”
 9. The International Energy Conservation Code and Appendix Chapters, 2006 Edition, as published by the International Code Council.

- A. Sec. 101.1 Insert “Windsor Heights”.
10. International Fuel Gas Code and Appendix Chapters, 2006 Edition, as published by the International Code Council.
- A. Sec. 101.1 Insert “Windsor Heights”.
 - B. Sec. 105.5.2 Fee Schedule. Insert “Windsor Heights” fee schedule as attached for the Mechanical and Plumbing permit fees.
 - C. Sec. 108.4 Penalties. Insert “The maximum amount allowed by State Law. Each day a violation continues constitutes a separate violation.”
11. The International Existing Building Code and Appendix Chapters, 2006 Edition, as published by the International Code Council.
- A. Sec. 101.1 Insert “Windsor Heights”.
 - B. Sec. 108.2 Permit fees. Delete after “established” and insert “for the various disciplines herein adopted.”

29.05 PERMIT FEES. If any construction requiring a permit by provision of the Building Code or City Code is undertaken without first obtaining a building permit, the permit fee shall be double the amount it would have been if granted prior to the commencement of construction. The various permit fees under the Building, Electrical, Mechanical and Plumbing Codes shall be as detailed in Exhibit A of this Code Chapter, dated March 3rd, 2008. All permit fees for the above disciplines shall be adjusted on Jan. 1 of each year based on the Consumer Price Index (CPI) for the previous year. If any construction requiring a permit by provision of the Building Code or City Code is undertaken without first obtaining a building permit, the permit fee shall be double the amount it would have been if granted prior to the commencement of construction. Further, if any additional professional services (for example engineering or architectural services) are required by the City in the review of the building permit request, those fees will be passed through and paid by the applicant.

29.06 COMPLETION TIME

1. Any single family residence and/or accessory structure for which a building permit has been issued shall be completed and ready for occupancy according to the approved plans and specifications within one year following the issuance of the building permit, and if not so completed, the building permit shall automatically cancel. All work must be pursued in a reasonable and timely manner to its ultimate completion. A building permit shall automatically cancel if for any reason work is not commenced within 120 days of the date of issuing the building permit or if work is substantially stopped for a period of 120 days, prior to said cancellation, unless a

written extension is granted by the Building Inspector upon good cause shown by the applicant for such extension. If the Building Inspector believes that work is not being pursued in a reasonable and timely manner, he shall notify the applicant of the deficiency and establish a reasonable period during which all construction must be completed. If work is not commenced within 15 days after receipt of the notice or construction is not completed by the time so established, the Building Inspector may cancel the building permit and so notify the applicant. Thereafter, no work may be commenced until a new building permit is applied for and granted conditioned upon an approved timetable for completion.

2. The term "completed", as used in Subd. 1 above, shall mean and include:

- (1) Completion of all visible exterior construction;
- (2) Painting, staining, or other exterior finishing;
- (3) Finishing of driveways and sidewalks;
- (4) Removal of construction materials, equipment, debris and excess earth;
- (5) Placement of top soil, finish grading, and sodding or seeding of all lawns;
- (6) Finish grading of any swales within established drainage easements necessary to accommodate natural drainage of adjacent properties.

3. Stop Orders. Whenever any work is being done contrary to the provisions of the City Code or any other valid regulation, the Building Inspector, Zoning Administrator, or City Administrator, or his designee, may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Inspector to proceed with the work.

4. Occupancy Violations. Whenever any portion of a building or structure, or equipment therein, or land regulated by this Code is being used contrary to the provisions of the City Code, the Building Inspector, Zoning Administrator, or City Administrator or his designee, may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the City after receipt of such notice. Prior to reuse of said building or structure, or equipment thereon, or land, the use must comply with the requirements of the City Code.

29.07 SPECIFIC PROVISION DEALING WITH SWIMMING POOLS.

1. Definitions. The following meaning shall be ascribed to these terms:

- A. "Swimming Pool": means any body of water which has a minimum depth of eighteen (18) inches or more or

contains one hundred (100) gallons or more of water in an artificial or semi-artificial receptacle of permanent construction and which is not emptied every night.

B. "Spa": means a bathing facility such as a hot tub or whirlpool designed for recreational or therapeutic use. However, "spa" does not include a facility used under direct supervision of qualified medical personnel.

(Code of Iowa, 1995, Sec. 135I.1)

C. "Small Child": means any child twelve (12) years of age or younger.

2. Purpose. It is the purpose of this section to require architects, builders, contractors, pool suppliers, property owners, their agents and others, to meet their responsibilities with respect to proper construction, construction techniques, and premises safety and to provide for inspection as a means of compelling compliance therewith. It is not the purpose of this section to create any duty on the part of the City, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this section to create any duty or liability by the City, its officers, agents, or employees, to premises occupants, owners, tenants, or any other person.

3. Warning. No person shall place reliance upon this Chapter, any inspections performed or certificates issued pursuant to this Chapter, as indicating the safety of or quality of construction of any particular premises. Neither this Chapter nor inspections made pursuant thereto nor certificates issued are intended to assume the duty of any person to adequately construct and maintain a premises or provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A certification that a premises has been inspected pursuant to this Chapter shall not in any way constitute a warranty or guarantee of the safety or quality of that premises.

4. Interpretation. The foregoing statements of legislative intent shall govern and take precedence over any other language contained in this Chapter.

5. Swimming pool Permit, Fee. No person shall construct, enlarge, alter or otherwise improve a swimming pool without first obtaining a permit for the same from the City's Building Official. Application for such a permit shall comply with the Administrative Code. A fee in an amount as established by the Building Code for valuation shall be paid. Issuance of such a permit shall be in accordance with the

Administrative Code and all applicable Building Codes.

6. Design Requirements. The materials used for lining swimming pools shall be light in color, shall be impervious and shall provide a tight tank with smooth, easily cleaned surfaces. No sand or dirt bottoms shall be allowed.

7. Enclosure - In-ground Pool. Every outdoor in-ground swimming pool shall be completely surrounded by a fence or wall at least six (6) feet in height and located at least six (6) feet from the side of the pool, unless the enclosure is a part of a pre-manufactured assembly in which case it shall be no closer than four (4) feet from the side of the pool. Such fence or wall shall be reasonably non-climbable and shall be so constructed and maintained as to make such pool as inaccessible as possible to small children. There shall not be a distance greater than ten (10) feet between posts. The bottom of said fence or wall shall be at grade with no clearance between the bottom and the ground along the entire perimeter of the fence or wall. The six (6) foot height will be determined based upon the ground elevation on both sides of the wall or fence.

8. Enclosure - Above-ground Pools. In lieu of the above, swimming pools manufactured and approved for installation above ground shall be installed in accordance with the following criteria:

A. When not in conflict with the provisions of this subsection, above-ground pools shall be installed in accordance with the manufacturer's recommendations.

B. Enclosure of an above-ground swimming pool shall be accomplished in an approved manner that will reasonably secure the pool and any deck or platform attached thereto from unauthorized access to small children and shall provide a degree of security at least the equivalent of that required for in-ground swimming pools. For the purpose of this requirement, a fence or wall at least six feet above any adjoining grade located within six feet of the pool enclosure, shall be used in combination with the vertical water enclosing wall of the swimming pool to provide the required degree of security, unless the enclosure or fence is part of a pre-manufactured assembly, in which case it shall be no closer than four (4) feet from the side of the pool.

C. Steps, ladders, ramps, or any other device affording access to the pool shall be constructed in a manner that will afford the same degree of security against unauthorized access as that prescribed for the pool enclosure.

D. For the purpose of this subsection no part of a swimming pool enclosure shall be constructed within ten feet of a property line, other wall, fence or other

structure, which can be readily climbed by children under the age of twelve years of age.

9. Gates and Doors. All gates and doors providing access to the pool shall be equipped with self-closing and self-locking devices and said gates and doors shall be securely closed when the pool is not in use. The self-closing and self-locking device on such gates and doors shall be equipped either with a manual latch which can only be operated at a point five (5) feet above the ground or with a lock and key.

10. Float-line. All swimming pools shall be equipped with a rope or line not less than one-half (1/2) inch in diameter and supported by floats wherever the depth of the pool increases from less than four (4) feet to more than four (4) feet.

11. Periodic Inspections. Persons maintaining an outdoor swimming pool shall be deemed to consent to periodic inspections of the pool and surrounding property at reasonable times by city employees, to assure compliance with this Chapter. All pools built after the effective date of the ordinance codified herein shall comply with the terms of this Chapter.

12. Enclosure - Spas. The enclosure requirements contained in Paragraphs 7 and 8 above may be satisfied in the case of outdoor swimming pools with a water surface area of less than sixty (60) square feet by equipping same with a rigid cover capable of supporting two hundred (200) pounds which, when securely locked in place, will render the water contained therein inaccessible to a person not having a key.

13. Locking of Covers. It shall be unlawful for the owner of any outdoor swimming pool enclosed pursuant to paragraph 8 hereof to leave said pool unattended without a cover of the type described in Paragraph 8 hereof securely locked in place. As used herein, "unattended" shall mean the absence of an adult person in the outdoor swimming pool or within constant eyesight of said pool and no more than twenty (20) feet therefrom.

14. Waste Water. Swimming pool waste water shall be disposed of by extending the filtered discharge pipe to the city right-of-way except in the months of October through April.

15. Wiring. The construction and installation of electric wiring for and equipment in or adjacent to all swimming pools shall comply with the Windsor Heights Electrical Code which by this reference is made a part of this Chapter.

29.08 INDEMNITY. The applicant for any permit for a swimming pool by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, arising from or in connection with or related to the issuance of such permit or the doing of anything thereunder, or the failure of such applicant or the agents, employees, or servants of such applicant, to abide by or comply with any of the provisions of this code or any other ordinance of the city; and such applicant, by making such application, forever indemnifies the city, its officers and employees, and agrees to save it and them harmless from any and all claims, demands, lawsuits, or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the city, its officers or employees, may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of any permit whether expressly recited therein or not and shall apply to all assigns, assignees, subsequent owners, renters or occupants of said property.

SUBCHAPTER 2**ELECTRICAL AND MECHANICAL LICENSES**

29.09 SCOPE - ELECTRICAL & MECHANICAL LICENSES. The provisions of this Chapter regarding electrical and mechanical licenses do not apply to any of the following: regular employees of a public utility who do electrical or mechanical work for such public utility only; the electrical or mechanical work of a telephone or telegraph company; nor the persons, firms or corporations performing electrical or mechanical work for such a company, where such electrical work is an integral part of the plant used by such telephone or telegraph company in rendering its duly authorized service to the public; and regular employees of any railroad who do electrical work only as a part of that employment.

29.10 DEFINITIONS. For use in this Chapter, the following terms are defined:

1. The term "electrical contracting" means undertaking, or offering to undertake, the planning or supervision of electrical work.
2. The term "electrical contractor" means any person, partnership, firm, corporation or association who has the necessary qualifications, training, experience and technical knowledge to plan or supervise electrical work.
3. The term "master electrician" means any person who has the necessary qualifications, training, experience and technical knowledge to plan or supervise electrical work.
4. The term "journeyman electrician" means a person who has the necessary qualifications, training, experience and technical knowledge to do electrical work in accordance with the standard rules and regulations governing such work.
5. The term "electrical work" means all installations, alterations, repairs, removals, renewals, replacements, disturbances, connections, disconnections and maintenance of all electrical equipment.
6. The term "electrical equipment" means all electrical materials, wiring, conductors, fittings, devices, appliances, fixtures, signs and apparatus or parts thereof.
7. The term "licensed" means licensed under this Chapter unless otherwise specified.
8. If the word "shall" is used, the meaning is that the act to be performed is

mandatory.

29.11 MASTER ELECTRICIAN'S LICENSE. No electrical contractor shall engage in electrical contracting within the City unless licensed as a master electrician. In the case of a partnership, firm, corporation or any other association organized to engage in electrical contracting, the issuance of a valid master electrician's license to one of the active partners, associates, officers or managers shall be sufficient compliance with this section. This section shall not be construed to allow any person to engage in electrical work unless that person is licensed as a master or journeyman electrician in conformance with the provisions of this Chapter.

29.12 ELECTRICAL CONTRACTOR'S LICENSE. In addition to Section 29.11, no electrical contractor shall engage in electrical work unless said person, partnership, firm, corporation, or other association has first obtained an electrical contractor's license.

29.13 LICENSE REQUIRED. No person shall engage in doing electrical work unless licensed as an electrical contractor or journeyman electrician.

29.14 APPRENTICES AND HELPERS. Apprentices and helpers employed to assist a licensed electrician need not be licensed; provided, however, that such apprentices and helpers perform their work under the direct supervision of a licensed electrician.

29.15 HOMEOWNERS. The owner or owners of a single family dwelling (or mobile home), including the usual accessory buildings and quarters used exclusively for living purposes, may do electrical work without a license if the owner demonstrates the capability to do such work to the satisfaction of the City's electrical inspector, provided, that the dwelling (or mobile home) will be occupied by the owner or owners and that a permit is issued as provided in this Code.

29.16 LICENSE FEES. Any person, partnership, firm, corporation or association desiring a license under this Chapter shall make a written, signed application to the Clerk on forms provided by the Clerk. All annual fees for licenses under this chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such license fees, may from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective license fees shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours.

29.17 MECHANICAL CONTRACTOR'S LICENSE. No person, partnership, firm, corporation, or association shall engage in the activity or business of installing, altering, or repairing any of the mechanical equipment or systems for which permits are required by this Code unless said person, partnership, firm, corporation, or association first obtains from the Clerk a mechanical contractor's license. In the case of a partnership, firm, corporation, or association, the issuance of a mechanical contractor's license to one of the active partners, associates, officers or managers shall be sufficient compliance with this section.

29.18 MECHANIC'S QUALIFICATIONS. Before issuing a mechanical contractor's license, the Clerk shall require reasonable proof that the applicant has sufficient knowledge of the Mechanical Code and is possessed of mechanical skill, as evidenced by a record of experience and training and such standard tests as deemed necessary, sufficient to assure that the health and safety of the citizens will be protected by the quality of the installations, alterations, and repairs made by said licensee. Evidence of qualifications from another municipality with the same or higher requirements shall be accepted.

29.19 LICENSE FEES. Any person, partnership, firm, corporation or association desiring a license under this Chapter shall make a written, signed application to the Clerk on forms provided by the Clerk. All annual fees for licenses under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such license fees, may from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective license fees shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours.

29.20 BOND. Any person, partnership, firm, corporation, or association who has been issued a license as an electrical contractor or mechanical contractor shall execute and deposit with the Clerk a cash bond in the sum of one hundred (100) dollars, with sureties in the sum of five thousand (5,000) dollars approved by the Clerk and Mayor. These bonds are to be held as surety that the licensee will fulfill these conditions:

1. That all work performed by the licensee or under his supervision shall be performed in accordance with the provisions of this Code.
2. That he will pay all fines and penalties properly imposed upon him for violation of this Code.

29.21 LICENSE REVOCATION OR SUSPENSION. In addition to penalties otherwise provided, the Clerk may order, in accordance with the provisions of this section or Section 29.22, revocation or suspension of any license issued under this Chapter.

29.22 REVOCATION AND SUSPENSION PROCEDURES. No order of license revocation or suspension shall be lawful unless the following requirements have been satisfied:

1. The licensee shall be served with written notice containing assertions of fact or conduct which warrant the intended action, reference to ordinance provisions allegedly violated, and specifications of the time, place and nature of the hearing.
2. The Clerk shall conduct a hearing for the purpose of resolving those issues of law and fact arising out of the individual case. Should the licensee or the licensee's authorized representative fail to appear without good cause, the Clerk may proceed,

in the licensee's absence, to a determination of the issues.

3. The licensee shall have the right to be represented by counsel, to testify and present witnesses in his or her own behalf, and to cross-examine adverse witnesses.

4. The Clerk shall make and record findings of fact and conclusions of law and shall issue an order of suspension or revocation only when, upon review of the entire record, it finds clear and convincing evidence of a substantial violation of this Code.

29.23 SUMMARY SUSPENSION. If the Clerk finds that the public health or safety requires emergency action, and incorporates a finding to that effect in the Clerk's order, summary suspension of a license may be ordered pending Section 29.22 suspension or revocation proceedings. Immediately, upon issuance of an order of summary suspension, the Clerk shall institute proceedings pursuant to the requirements of Section 29.22.

29.24 APPEAL. In the event any person feels aggrieved by any action of the Clerk, the person may appeal from such action to the Council by filing written notice of the appeal within ten (10) days from the date of action. The Council shall give the appealing party and the examining board five (5) days' written notice by certified mail of the date, time and place of hearing. All interested persons shall be given opportunity to be heard at such hearing and the Council may affirm, modify or overrule the action of the Clerk. Action taken by the Clerk shall be affirmed by the Council if such action is supported by substantial evidence upon the whole record.

29.25 TRANSFER OF LICENSE. It shall be unlawful for any license holder to transfer his or her license or to allow it to be used, directly or indirectly, by any other person.

29.26 EXPIRATION OF LICENSE. All licenses issued by the Clerk under this Chapter shall expire on December 31 of the year of issue but may be renewed upon payment to the Clerk of the annual fees in the amount provided in Section 29.19 of this Chapter. All licenses must be renewed prior to the expiration date.

SUBCHAPTER 3**PLUMBER'S LICENSES**

29.27 DEFINITIONS. For use in this Chapter, the following terms are defined:

1. The term "apprentice" means any person who, while learning the trade of plumbing, is assisting in the installation, alteration or repair of plumbing and is actually with and in the presence of a licensed journeyman plumber.
2. The term "journeyman plumber" means any person who installs, alters, or repairs plumbing, and who has a valid license as a journeyman plumber.
3. The term "master plumber" means any person engaged in planning, supervising and contracting for the installation of plumbing and who is licensed as a master plumber.
4. The term "plumbing contractor" means any person, partnership, firm, corporation or other association engaged in planning, supervising and contracting for the installation of plumbing.

29.28 MASTER PLUMBER'S LICENSE. No plumbing contractor shall engage in the business of plumbing unless licensed as a master plumber. In the case of a partnership, firm, corporation or any other association organized to engage in the business of plumbing, the issuance of a valid master plumber's license to one of the active partners, associates, officers, or managers shall be sufficient compliance with this section. This section shall not be construed to allow any person to engage in the practice of installing, repairing or altering plumbing work unless that person is licensed as a master or journeyman plumber in accordance with the provisions of this Chapter.

29.29 PLUMBING CONTRACTOR'S LICENSE. In addition to Section 29.28, no plumbing contractor shall engage in the business of plumbing unless said person, partnership, firm, corporation or other association, has first obtained a plumbing contractor's license.

29.30 LICENSE REQUIRED. Any plumbing contractor or person who desires to be licensed as a plumbing contractor, master plumber or as a journeyman plumber shall make a written, signed application to the Clerk on forms provided by the Clerk. All annual fees for licenses under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such license fees, may from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective license fees shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours.

29.31 APPRENTICES AND HELPERS. Apprentices and helpers employed to assist a licensed plumber in the practice of installing, repairing or altering plumbing work need not be licensed; provided, however, that such apprentices and helpers perform their work under the direct supervision of a licensed plumber.

29.32 PLUMBER'S QUALIFICATIONS. Before issuing a license, the Clerk shall require reasonable proof that the applicant has sufficient knowledge of the Plumbing Code and is possessed of plumbing skill, as evidenced by a record of experience and training and such standard tests as deemed necessary, sufficient to assure that the health and safety of the citizens will be protected by the quality of the installations, alterations, and repairs made by said licensee. Evidence of qualifications from another municipality with the same or higher requirements shall be accepted.

29.33 LICENSE FEES. Any plumbing contractor or person who desires to be licensed as a plumbing contractor, master plumber or as a journeyman plumber shall make a written, signed application to the Clerk on forms provided by the Clerk. All annual fees for licenses under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such license fees, may from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective license fees shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours.

29.34 EXPIRATION OF LICENSE. All licenses issued by the Clerk under this Chapter shall expire on December 31 of the year of issue but may be renewed upon payment to the Clerk of the annual fees in the amount provided in Section 29.33 of this Chapter. All licenses must be renewed prior to the expiration date.

29.35 PLUMBER'S BOND. Any person, partnership, firm, corporation, or association who has been issued a license as a plumbing contractor shall execute and deposit with the Clerk a cash bond in the sum of one hundred (100) dollars with sureties in the sum of five thousand (5,000) dollars approved by the Clerk and Mayor. This bond is to be held as surety that the licensee will fulfill these conditions:

1. That all plumbing work performed by the licensee or under the licensee's supervision shall be performed in accordance with the Plumbing Code.
2. That the licensee will pay all fines and penalties properly imposed upon the licensee for violation of this Chapter and the Plumbing Code.

29.36 LICENSE REVOCATION OR SUSPENSION. In addition to penalties otherwise provided, the Clerk may order, in accordance with the provisions of this section or Section 29.37, revocation or suspension of any license issued under this Chapter.

29.37 REVOCATION AND SUSPENSION PROCEDURES. No order of license revocation or

suspension shall be lawful unless the following requirements have been satisfied.

1. The licensee shall be served with written notice containing assertions of fact or conduct which warrant the intended action, reference to ordinance provisions allegedly violated, and specifications of the time, place and nature of the hearing.
2. The Clerk shall conduct a hearing for the purpose of resolving those issues of law and fact arising out of the individual case. Should the licensee or the licensee's authorized representative fail to appear without good cause, the Clerk may proceed, in the licensee's absence, to a determination of the issues.
3. The licensee shall have the right to be represented by counsel, to testify and present witnesses in his or her own behalf, and to cross-examine adverse witnesses.
4. The Clerk shall make and record findings of fact and conclusions of law and shall issue an order of suspension or revocation only when, upon review of the entire record, there is found to be clear and convincing evidence of a substantial violation of this Code.

29.38 SUMMARY SUSPENSION. If the Clerk finds that the public health or safety requires emergency action, and incorporates a finding to that effect in the Clerk's order, summary suspension of a license may be ordered pending Section 29.37 suspension or revocation proceedings. Immediately, upon issuance of an order of summary suspension, the Clerk shall institute proceedings pursuant to the requirements of Section 29.37.

29.39 APPEAL. In the event any person feels aggrieved by any action of the Clerk, the person may appeal from such action to the Council by filing written notice of the appeal within ten (10) days from the date of action. The Council shall give the appealing party and the examining board five (5) days' written notice by certified mail of the date, time and place of hearing. All interested persons shall be given opportunity to be heard at such hearing and the Council may affirm, modify or overrule the action of the Clerk. Action taken by the Clerk shall be affirmed by the Council if such action is supported by substantial evidence upon the whole record.

29.40 TRANSFER OF LICENSE. It shall be unlawful for any license holder to transfer his or her license or to allow it to be used, directly or indirectly, by any other person.

ORDINANCE NO. 97-7

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF WINDSOR HEIGHTS, IOWA, 1997, BY AMENDING CHAPTER 29 BY ADDITION OF SUBCHAPTER 4 RENTAL HOUSING CODE, REGARDING HOUSING CODES, PROVIDING FOR REGULAR RENTAL INSPECTIONS, RENTAL INSPECTIONS UPON RECEIPT OF COMPLAINT, CERTIFICATION OF INSPECTED HOUSING, ISSUANCE OF RENTAL PERMITS AND COLLECTION OF INSPECTION FEES, AND REGISTRATION OF ALL RENTAL DWELLING UNITS WITHIN THE CORPORATE LIMITS OF THE CITY OF WINDSOR HEIGHTS, IOWA.

BE IT ENACTED by the City Council of the City of Windsor Heights, Polk County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to provide for regular rental inspections, rental inspections upon receipt of complaint, certification of inspected housing, issuance of rental permits and collection of inspection fees, and registration of all rental dwelling units.

SECTION 2. Chapter 29 of the Windsor Heights Code of Ordinances is amended by adding the following new sections:

SUBCHAPTER 4

RENTAL HOUSING CODE

29.41 DEFINITIONS. For use in this Chapter the following items are defined:

- A. Apartment House or Building – Any building or portion thereof, which is designed, rented, leased or hired out to be occupied, or which is occupied as the home or residence of two (2) or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.
- B. Dwelling – A dwelling is any house or building or portion thereof which is occupied in whole or part as a home or residence of one or more tenants, on a rental basis or in return for housing a tenant agrees to occupy and maintain the premises and pay utilities. No part of a building hereafter constructed or altered into a dwelling as described may be occupied in whole or in part for human habitation until the issuance of a rental certificate by the building inspector that such part of the dwelling conforms to code requirements. A dwelling unit that is being rented for a period of 90 days or less in a single calendar year or a portion of such dwelling unit shall be exempt from this Chapter.
- C. Dwelling Unit – One or more habitable rooms in a dwelling, apartment house or building which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking or eating.

- D. Rental Certificate – Is a certificate that shall be issued within fourteen (14) days after written application if the dwelling unit at the date of such application shall be entitled thereto. Such a certificate shall thereafter be known as a rental certificate.
- E. Tenant – A person or persons occupying a dwelling unit who pays or has payments made on his/her behalf a stated payment at fixed intervals for the use of the dwelling unit. A person or persons occupying a dwelling unit owned by another individual, who in return for housing agrees to occupy and maintain the premises and pay utilities.
- F. Rooming House – A building offered or occupied for lodging, with or without meals, and not occupied as a one or two-family dwelling.

29.42 RENTAL HOUSING CODE. This chapter shall be known as the Windsor Heights, Iowa, Rental Housing Code, and may be cited as such, and will be referred to herein as “this code”.

29.43 PURPOSE. The purpose of this code is to ensure that rental housing facilities and conditions are of sufficient quality to protect and promote the health, safety and welfare of those persons utilizing such housing and also the general public.

29.44 SCOPE. The provisions of this chapter shall be deemed to apply to all dwellings as defined in this code or portions thereof used or designed or intended to be used for human habitation. All occupancies in existing buildings may be continued except in such structures as are found to be substandard as defined in this code. Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they are separate buildings. Every rooming House or lodging house shall comply with all of the requirements of this code applicable to dwellings. However, this chapter shall not apply to single-family dwellings occupied by the owner, as defined in Chapter 41 of the Municipal Code, unless the owner is operating a rooming house. Further, the maximum occupancy of a dwelling unit under this Chapter shall be either: (1) One family or (2) No more than one person per bedroom, plus one, but not to exceed three (3) unrelated persons.

29.45 ADOPTION OF HOUSING CODE. In accordance with the requirements of Section 364.17 of the Code of Iowa, the City of Windsor Heights hereby adopts the Uniform Housing Code, 1997 Edition, published by the International Conference of Building Officials and the Recommended Minimum Housing Standards, 1986 Edition, as published by the American Public Health Association.

In instances where there is conflict between the Uniform Housing Code, 1997 Edition and the Recommended minimum housing Standards, 1986 Edition, as adopted herein, the least restrictive provision will apply.

29.46 REGULAR INSPECTIONS. Regular inspections of one and two family rental dwelling units shall be required every eighteen months. Regular inspections of multi-family rental dwelling units shall be required every twelve months.

29.47 APPLICATIONS FOR RENTAL CERTIFICATE. Every person, firm, or corporation that offers for rent a dwelling unit the city shall submit to the city building department, on forms provided, an application requesting a rental certificate. Such application shall be accompanied by an inspection fee in the amount established in section 29.47, paragraph A. Upon receipt of such application, the city shall conduct an inspection of the premises and, if the same complies with the provisions of this chapter, issue a rental certificate. If the premises fail to comply, the inspector shall notify the applicant in writing, stating the reasons for such noncompliance.

A. APPLICABLE FEES AND FINES. The fees schedule for rental conversion, registration and rental inspection reads as follows:

Rental Conversion: New rental property that has not previously been registered as a rental property in Windsor Heights is subject to this fee which is set by council resolution.

Rental Registration: \$75.00 for the first unit and \$15.00 for each additional unit thereafter, with a maximum of \$300.00 per property.

Rental Housing Compliance Inspection Rates:

Number of Units:

1	\$75.00
2	\$90.00
3	\$105.00
4	\$120.00
5	\$135.00
6	\$150.00
7	\$165.00
8	\$180.00
9	\$195.00
10	\$210.00

A charge of \$30.00 will be assessed to the property owner for not showing up for the inspection.

Each additional unit in the same building - \$15.00

Re-inspections within 30 days of the previous inspection

First re-inspection: \$30 per trip + \$5 per unit

Second re-inspection: \$50 per trip + \$5 per unit

Third re-inspection: \$100 per trip + \$5 per unit

Fourth re-inspection: This shall constitute a municipal infraction, subject to the penalties and alternative relief authorized Windsor Heights City Code and by Section 364.22 of the Code of Iowa for failure to comply with the rental housing code.

Civil Penalty: \$500.00 or the maximum amount allowed by State Law, whichever is greater.

B ASSESSMENT OF COSTS.

- 1) The city may charge the owner of real property a late payment fee of \$25.00 and may add interest up to 11/2 percent per month if costs imposed under Section 29.47, paragraph A are not paid within 30 days of the date due.
- 2) The city shall send a notice of the late payment costs to such owner by first class mail to the owner's personal or business mailing address. The late payment fee and interest shall not accrue if such owner files an appeal with the city.
- 3) Any owner objecting to the collection of costs by assessment may file a written request for a hearing before the Housing Code Appeals Board. The appeal shall be filed within ten days from the date of the notice of late payment. An untimely appeal shall not be accepted, unless in the discretion of the City Administrator if good cause is shown for the untimely filing.
- 4) The City Administrator shall notify the appellant and all board members of the date, time and location of the hearing.
- 5) Any unpaid costs and interest shall constitute a lien on the real property and may be collected in the same manner as a property tax. Before a lien is filed, the city shall send a notice of intent to file a lien to the owner of the real property by first class mail to such owner's personal or business mailing address.

29.48 ADDITIONAL INSPECTIONS. In addition to the inspections required under Section 29.47, the city inspectors are also empowered to make similar inspections of all rental dwelling units as frequently as may be necessary and may make inspection at any reasonable time on a written complaint submitted by the owner, tenant, or other person concerned.

29.49 INSPECTION FEES FOR ADDITIONAL INSPECTIONS.

- A. When an inspection is made at the request of the owner, an inspection fee as provided in Section 29.47 shall be charged. If an inspection is made at the written request of a tenant and the dwelling unit is found to be in noncompliance due to an omission of the owner, such owner shall be responsible for the re-inspection fee. No inspection shall be conducted at the request of a tenant unless the tenant has first submitted the complaint in writing to the landlord no less than seven (7) days before making such complaint to the city. If, after a written complaint by the tenant, the dwelling is found to comply or if such noncompliance is due to conduct on the part of the tenant, the tenant shall be liable for the cost of such inspections. If such costs are not paid by the tenant within thirty (30) days from the date of billing, the city may initiate an action at law or

in equity to recover the same in which event the tenant shall be liable for reasonable attorney fees. No fee shall be charged to the owner for such inspection.

- B. In the event an inspection is initiated by the city or at the written request of a person other than the owner or tenant, and if the dwelling unit is found to be in noncompliance, the owner shall be liable for such inspection fees. No inspection shall be conducted at the request of a person other than the owner or tenant unless that person has first submitted the complaint in writing to the landlord no less than seven (7) days before making such complaint to the city. In the event that on the date of the inspection the dwelling unit complies with the provisions of the housing code, no fee shall be charged. In the event that on the date of inspection a dwelling unit fails to comply with the provisions of the housing code which necessitates additional inspections, the owner shall be liable for the cost of such re-inspection.

There shall be no re-inspection fee charged for the first re-inspection required in conjunction with any application, filed before July 1, 1998, to obtain a rental certificate. All fees required under this code shall be paid prior to the issuance or renewal of the rental certificate.

29.50 ENTRANCE AND SURVEY OF BUILDINGS. The building inspector and any such other persons as may be authorized by the city administrator may, without fee except as provided in Section 29.47, enter, examine, make necessary records, and survey all dwelling units within the city. If entry into the interior portion of a dwelling unit is required, seventy-two (72) hours notice shall be given by the city to the owner and tenant. The owner, his agent, or representative and the lessee and occupant of every dwelling unit and every person having the care and management of the same shall at all reasonable times when required by such officers or persons, give them free access to such dwelling unit and premises. The owner of a dwelling unit and his agents and employees shall have right of access to such dwelling units at reasonable times for the purpose of bringing about compliance with the provisions of this code or any order issued thereunder.

29.51 RENTAL CERTIFICATE REQUIRED. Immediately following the effective date of this code all owners of dwelling units shall register such dwelling unit(s) with the building inspector. After July 1, 1998, no person shall rent, lease, operate, or otherwise allow the occupancy of any dwelling unit unless such person holds a valid rental certificate as is required by this code.

29.52 ISSUANCE DURATION VALIDATION. If a dwelling unit fails to comply under Section 29.47 and if the dwelling unit and premises are found later to comply with the requirements of this code upon re-inspection, the building inspector shall issue a temporary rental certificate. This rental certificate shall be valid for a period of thirty (30) days from the date of inspection. Upon payment of the appropriate fees the building inspector shall validate it.

29.53.1 CERTIFICATE DISPLAYED. Rental certificates shall be displayed by the owner for the tenant to examine before the dwelling unit may be rented, leased or otherwise occupied.

29.53.2 RENTAL CERTIFICATES - PROPERTY TRANSFER - TERMINATION. Rental

certificates shall not be transferable to succeeding owners. Rental certificates shall automatically terminate and become null and void, without further action of the City, upon transfer of property ownership or upon execution of an agreement to purchase property on contract.

29.53.3 RENTAL CERTIFICATES - NUISANCE ABATEMENT - TERMINATION. Rental certificates shall automatically terminate and become null and void upon issuance of a nuisance abatement by the City that is related, in any way, to the property to which the rental certificate applies.

29.54 NOTICE ON SALE OF DWELLING UNIT. Every person holding a rental certificate under this code shall give notice in writing to the building inspector within ninety-six (96) hours after having sold, transferred, conveyed or otherwise disposed of the ownership, interest in or control of any dwelling unit. This notice shall include the name and address of the person succeeding to the ownership or control thereof.

29.55 NAME AND ADDRESS OF AGENT FILED. Every owner, agent or lessee of a dwelling unit shall file with the city clerk a notice containing the name and address of an agent of such dwelling unit for the purpose of receiving service of all notices required by this code.

29.56 EMERGENCY ORDERS. Whenever the building inspector finds that an emergency exists which threatens immediately the public health, safety or welfare, the building inspector may issue an order reciting the existence of such an emergency and requiring that such action be taken as the building inspector deems necessary to meet the emergency. Notwithstanding the other provisions of this code, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately.

29.57 DESIGNATION OF UNFIT DWELLING UNIT AND PROCEDURES OF CONDEMNATION. No person shall let to another for occupancy any dwelling unit for the purpose of living, inhabiting, sleeping, cooking, or eating thereon which does not comply with the following requirements:

- 1) Unfit for Human Habitation. Any dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the building inspectors.
 - a) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health, safety or welfare of the occupants or the public.
 - b) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health, safety or welfare of the occupants or of the public.
 - c) One which, because of its general condition or location is unsanitary or otherwise dangerous to the health, safety or welfare of the occupants or of the public.

29.58 VACATED IMMEDIATELY. Any dwelling unit or any portion thereof condemned as unfit for human habitation and so designated and placarded by the building inspector shall be vacated immediately as ordered by the building inspector. The building inspector shall notify the city of such action prior to placarding the dwelling unit.

29.59 ELIMINATION OF DEFECTS. No dwelling unit or a portion thereof which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the building inspector. The building inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

29.60 DEFACE OR REMOVE PLACARD. No person shall deface or remove the placard from any dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in this code.

29.61 AUTHORITY TO EXECUTE. In case any notice or order issued by the building inspector or City is not complied with, the building inspector may recommend that the city apply to the district court for an order authorizing the city to execute and carry out the provisions of the notice or order to correct any violation specified in the notice or order to abate any nuisance in or about the dwelling unit.

29.62 ACTION TO ENJOIN. In case any dwelling unit, building or structure is constructed, altered, converted or maintained in violation of any provisions of this code or of any order or notice of the building inspector, or in case a nuisance exists in any such dwelling unit, building or structure or upon the lot on which it is situated, the city may cause the institution of any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation, or nuisance, or to prevent the occupation of the dwelling unit, building or structure, or to prevent any illegal act, conduct business in or about such dwelling unit or lot.

29.63 INJUNCTION. In any such action or proceeding, the building inspector may by a statement duly verified setting forth the facts request that the City apply to the district court for an order granting the relief for which the action or proceeding is brought, or for an order enjoining any persons from doing or permitting to be done any work in or upon such dwelling unit, building, structure or lot, or from occupying or using the same for any purpose until the entry of final judgement or order.

29.64 EVICTION – LEASE TERMINATION. If the occupant of a dwelling fails to comply with the provisions of this code after due and proper notice from the building inspector or from the owner, such failure to comply shall be deemed sufficient cause for the eviction of such occupant by the owner and for cancellation of his lease.

29.65 DUTIES OF OCCUPANT. It is unlawful for any tenant to deliberately or recklessly destroy, deface, damage or remove a part of the premises or to knowingly permit any other person to do so, or to remove without permission of the landlord any furniture or other items of personal property belonging to the landlord or owner or to cause damage resulting in noncompliance with the housing code.

29.75 NOTICE OF ACTIONS. In any action brought by the City in relation to a dwelling unit or injunction, vacation of the premises, or abatement of nuisance or to establish a lien thereon, or to recover a civil penalty, service of notice shall be in the manner provided by law for the service of an original notice.

29.76 RENT COLLECTIONS. Rent shall not be recoverable by the owner or lessee of any dwelling unit which does not comply with the provisions of this code for any period of occupancy which commences on or after July 1, 1998. Rent shall not thereupon be recoverable by the owner of such dwelling unit until the city gives written notice to the owner and occupant that such dwelling unit has been issued a valid rental certificate as required by this code.

29.77 CITY LIABILITY. The City or any employee is 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. This code shall not be constructed 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 City or any city employee be held as assuming any such liability by reason of the inspections authorized by this code or any approvals issued under this code.

29.78 CIVIL LIABILITY. The owner of any dwelling unit or of any building or structure upon the same lot with a dwelling unit, or of the lot, or any violation of this code or where a nuisance as defined in city codes exists, who has been guilty of such violation or of creating or knowingly permitting the existence of such violation, or any occupant who shall violate or assist in violating any provisions of this code, shall also jointly and severally for each such violation and each such nuisance be subject to a civil penalty as outlined in Section 29.47, paragraph A., in a civil action brought in the name of the city. Such person or persons and also the premises shall be liable in such case for all costs, expenses and disbursements paid or incurred by the building department, including attorneys' fees, paid or incurred by the city, by any of the officers, agents or employees thereof, in the removal of any such nuisance or violation.

29.79 ADDITIONAL LIABILITY. Any person who having been served with a notice or order to remove any such nuisance or violation fails to proceed in good faith to comply with the notice or order within five (5) days after such service, or continues to violate any provisions or requirements of the city code shall also be subject to a civil penalty as outlined in Section 29.47, paragraph A. For the recovery of such penalties, costs, expenses or disbursements, an action may be brought in a court of competent civil jurisdiction.

29.80 WORDS AND PHRASES. Words and phrases, herein shall be constructed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context. A person or persons shall include any individual or entity, including, but not limited to any corporation,

partnership, limited liability company, and their agents or assigns.

SUBCHAPTER 5**RENTAL HOUSING CODE APPEALS**

- 29.81 There is hereby created a Housing Code Appeals Board Consisting of Five (5) members. The Housing Code Appeals Board shall designate its Chairman and Secretary.
- 29.82 The Housing Code Appeals Board shall adopt reasonable rules and regulations for the conduct of its meetings and investigations and shall render all decisions and findings in writing to the Building Inspector and City Administrator. All decisions and findings shall be made part of the public record.
- 29.83 Any person aggrieved by a notice or order of the Building Inspector in connection with any alleged violation of this Rental Housing Code, of any applicable rule or regulations issued pursuant thereto, or by any order requiring repair or demolition, may apply to the Building Inspector for an administrative conference for reconsideration of such notice or order if such application is made within fourteen (14) days after the date the notice or order was served. If the Building Inspector holds an administrative conference for reconsideration of the notice or order, the Building Inspector shall prepare a written summary of the conference including a written statement of the decision reached. Such summary and statement shall become part of the public record.
- 29.84 Any person aggrieved by a decision of the Building Inspector issued under 29.33, Rental Housing Code may apply to the Housing Code Appeals Board for a reconsideration of such decision provided such application is made within twenty-one (21) days after the date the decision was served.
- 29.85 Upon receipt of an appeal the Housing Code Appeals board shall set a time and place for the hearing within ten (10) days of the receipt of such application, and shall advise the applicant in writing of such time and place at least seven (7) days prior to the date of the hearing.
- 29.86 At the hearing, the applicant shall be given an opportunity to be heard and to show cause why such decision of the Building Inspector should be modified, extended, withdrawn, or a variance granted.
- 29.87 The Housing Code Appeals Board, by a majority vote, may sustain, modify, or withdraw the decision of the Building Inspector. In granting an extension or variance of any decision, the Appeals Board shall observe the following conditions:
- A. The Housing Code Appeals Board may grant an extension of time for the compliance with any order, notice, or decision, for not more than six (6) months subject to appropriate conditions and provided that the Appeals Board makes specific findings of fact based on evidence relating to the following:
 - 1. That there are practical difficulties or unnecessary hardships in carrying out the strict letter of any notice, order, or decision and
 - 2. That such an extension is in harmony with the general purpose and intent of this ordinance in securing the public health, safety, and general welfare.

- B. The Housing Code Appeals Board may grant a variance in a specific case and from a specific provision of this Rental Housing Code subject to appropriate conditions and provided the Appeals Board makes specific findings of fact based on evidence related to the following:
1. The property in question cannot yield a reasonable return or be used for a conforming purpose if used only for a purpose allowed in that zone or as allowed by the Rental Housing Code; and
 2. The plight of the property owner is due to unique circumstances of the specific property owner and not to the general conditions of other properties in the City; and
 3. The use to be authorized by the variance will not alter the essential character of the locality or the general purposes underlying the Rental Housing Code in securing the public health, safety, and general welfare; and
 4. The hardship must be substantial, serious, real, and of compelling force, as distinguished from reasons of convenience, profit or caprice; and
 5. The application of a particular Rental Housing Code provision to a particular property greatly decreases or practically destroys its value for any permitted use, or where such application bears so little relationship to the purposes of health, safety and welfare of the public that, as to the property in question, the provision is in effect confiscatory, arbitrary, or capricious, or constitutes and unnecessary, unwarranted, or unjust invasion of , or interference with, a fundamental right or property; and
 6. The unnecessary hardship of practical difficulties along with their arbitrary effect cannot be remedied by the grant of an extension.

Such grant of variance shall not go into effect until twenty-one (21) days after the date the variance is granted.

- 29.88 In any instance in which the Housing Code Appeals Board has granted a variance to any provision of the Rental Housing Code, within seven (7) days of the date on which the variance is granted, the Building Inspector, the Fire Chief, the City Administrator or the City Attorney shall have the right to request, in writing, that the City Council review the action of the Housing Code Appeals Board. If such a request is received and filed by the City Clerk within the time period allowed, the variance granted by the Housing Code Appeals Board shall be stayed and suspended until such time as the City Council can review such matter. Within ten (10) days of receipt of such a request, the City Clerk shall set a date for the review hearing and shall notify, in writing, the affected property owner(s) of the date, time and place set for the review hearing, and shall further notify such owner(s) that the grant of the variance is stayed and suspended pending further review by the City Council.

On the date set for the review hearing, the City Council shall receive and review all facts and information relied on by the Housing Code Appeals Board and, in addition, shall receive any additional information that may be submitted to it by any party. After such

review hearing the City Council shall decided to either affirm, reverse or modify such grant of variance.

SUBCHAPTER 6**PROPERTY MAINTENANCE CODE**

29.88 ROOF AND EXTERIOR SURFACE BUILDING MAINTENANCE. Every building shall be maintained to be weather and water tight, and free from excessively peeling paint or other conditions suggestive of deterioration or inadequate maintenance. Exterior surfaces shall not have any holes or broken glass; loose, cracked, or damaged shingles or siding; or other defects in the exterior finish, which admit rain, cold air, dampness, rodents, insects, or vermin.

29.89 BASEMENT AND CELLAR MAINTENANCE. Basements, cellars, and crawl spaces shall be free of standing water and hazards.

29.90 INTERIOR AND EXTERIOR MAINTENANCE. All wood, including floorboards, subfloors, joists, bridging, roof rafters and sheathing, and all other wood or other materials in any interior or exterior floor, wall, roof, or other part of the structure, shall be maintained to be free of cracks affecting structural integrity, termite damage, infestation, or rot. All roof surfaces must be completely covered with approved roofing industry standard finish materials for either residential or commercial grade applications, depending on property usage and zoning, that provide for a water-tight surface. Any and all damaged or deteriorating materials shall be replaced. If infestation exists in any basement, cellar, or crawl space, such infestation shall be remedied in accordance with industry standards.

29.91 EXTERIOR BRICK/MASONRY MAINTENANCE. All brick/masonry work/material on an exterior wall or other part of the structure, shall be maintained to be free of cracks or other deterioration affecting structural integrity. Any and all damaged or deteriorating materials shall be replaced or remedied in accordance with industry standards.

29.92 EXTERIOR CONCRETE/ASPHALT MAINTENANCE. All concrete/asphalt material on the property shall be maintained to be free of cracks or other deterioration affecting structural integrity. It is not permitted to have parking lots and/or driveways in a state of disrepair, as may be evidenced by cracks, holes, potholes, grass or weeds growing through the surface, etc. Any and all damaged or deteriorating materials shall be replaced or remedied in accordance with industry standards. If it is determined that the areas in a state of disrepair constitute 51% or more of the entire concrete/asphalt area, the City may compel the replacement of the entire concrete/asphalt area.

Chapter 29: Exhibit A
 Adopted March, 2008
 CITY BUILDING PERMIT FEE SCHEDULE
 Utilizing the Consumer Price Index (CPI) of 4.3% increase for the year ending Dec. 31, 2007.

PROJECT VALUATION	PERMIT FEE	PROJECT VALUATION	PERMIT FEE
1-500	26.00	28001-29000	449.00
501-600	29.00	29001-30000	460.00
601-700	31.00	30001-31000	470.00
701-800	35.00	31001-32000	481.00
801-900	38.00	32001-33000	492.00
901-1000	41.00	33001-34000	503.00
1001-1100	44.00	34001-35000	513.00
1101-1200	47.00	35001-36000	523.00
1201-1300	50.00	36001-37000	534.00
1301-1400	53.00	37001-38000	544.00
1401-1500	56.00	38001-39000	555.00
1501-1600	59.00	39001-40000	565.00
1601-1700	62.00	40001-41000	577.00
1701-1800	65.00	41001-42000	586.00
1801-1900	69.00	42001-43000	597.00
1901-2000	72.00	43001-44000	608.00
2001-3000	87.00	44001-45000	618.00
3001-4000	101.00	45001-46000	629.00
4001-5000	116.00	46001-47000	639.00
5001-6000	131.00	47001-48000	650.00
6001-7000	145.00	48001-49000	660.00
7001-8000	160.00	49001-50000	670.00
8001-9000	174.00	50001-51000	678.00
9001-10000	189.00	51001-52000	686.00
10001-11000	203.00	52001-53000	695.00
11001-12000	218.00	53001-54000	701.00
12001-13000	233.00	54001-55000	708.00
13001-14000	247.00	55001-56000	714.00
14001-15000	262.00	56001-57000	725.00
15001-16000	277.00	57001-58000	730.00
16001-17000	291.00	58001-59000	736.00
17001-18000	306.00	59001-60000	743.00
18001-19000	320.00	60001-61000	751.00
19001-20000	335.00	61001-62000	758.00
20001-21000	349.00	62001-63000	767.00
21001-22000	364.00	63001-64000	774.00
22001-23000	378.00	64001-65000	780.00
23001-24000	393.00	65001-66000	786.00
24001-25000	408.00	66001-67000	796.00
25001-26000	418.00	67001-68000	803.00
26001-27000	428.00	68001-69000	810.00
27001-28000	439.00	69001-70000	816.00

WINDSOR HEIGHTS, IOWA
CITY BUILDING PERMIT FEE SCHEDULE-2008

PROJECT VALUATION	PERMIT FEE	PROJECT VALUATION	PERMIT FEE
70001-71000	824.00	115001-116000	1,130.00
71001-72000	831.00	116001-117000	1,136.00
72001-73000	839.00	117001-118000	1,141.00
73001-74000	846.00	118001-119000	1,147.00
74001-75000	853.00	119001-120000	1,153.00
75001-76000	860.00	120001-121000	1,159.00
76001-77000	868.00	121001-122000	1,164.00
77001-78000	876.00	122001-123000	1,170.00
78001-79000	883.00	123001-124000	1,176.00
79001-80000	889.00	124001-125000	1,182.00
80001-81000	897.00	125001-128000	1,188.00
81001-82000	905.00	126001-127000	1,193.00
82001-83000	913.00	127001-128000	1,200.00
83001-84000	920.00	128001-129000	1,206.00
84001-85000	926.00	129001-130000	1,211.00
85001-86000	933.00	130001-131000	1,217.00
86001-87000	941.00	131001-132000	1,223.00
87001-88000	948.00	132001-133000	1,229.00
88001-89000	956.00	133001-134000	1,235.00
89001-90000	964.00	134001-135000	1,241.00
90001-91000	970.00	135001-136000	1,247.00
91001-92000	977.00	136001-137000	1,253.00
92001-93000	985.00	137001-138000	1,258.00
93001-94000	992.00	138001-139000	1,264.00
94001-95000	999.00	139001-140000	1,270.00
95001-96000	1,007.00	140001-141000	1,276.00
96001-97000	1,014.00	141001-142000	1,282.00
97001-98000	1,021.00	142001-143000	1,287.00
98001-99000	1,028.00	143001-144000	1,293.00
99001-100000	1,036.00	144001-145000	1,299.00
100001-101000	1,042.00	145001-146000	1,305.00
101001-102000	1,047.00	146001-147000	1,311.00
102001-103000	1,054.00	147001-148000	1,317.00
103001-104000	1,060.00	148001-149000	1,323.00
104001-105000	1,065.00	149001-150000	1,328.00
105001-106000	1,071.00		
106001-107000	1,076.00		
107001-108000	1,083.00		
108001-109000	1,089.00		
109001-110000	1,095.00		
110001-111000	1,101.00		
111001-112000	1,105.00		
112001-113000	1,112.00		
113001-114000	1,118.00		
114001-115000	1,126.00		

From \$150,000.00 to \$175,000.00 valuation
add \$6.25 for each additional \$1000.00.

WINDSOR HEIGHTS, IOWA
CITY BUILDING PERMIT FEE SCHEDULE-2008

PROJECT VALUATION	PERMIT FEE
175,000.00	1,484.00
From \$175,000.00 to \$500,000.00 valuation add \$5.50 for each additional \$1,000.00	
200,000.00	1,621.00
225,000.00	1,759.00
250,000.00	1,896.00
275,000.00	2,033.00
300,000.00	2,170.00
400,000.00	2,720.00
500,000.00	3,270.00

From \$500,001.00 to \$1,000,000.00 valuation add \$5.00 for each additional \$1,000.00

For \$1,000,001.00 valuation and up add \$3.50 for each additional \$1,000.00

Inspections for which no fee is specifically indicated, or for re-inspections, \$42.00/Hr. minimum charge 1 Hour.

Note: When plans, engineering calculations or specifications are necessary, a plan check fee is required equal to 65% of the permit fee, Generally, this plan check fee is waived for conventional one and two family residential projects.