

**BUSINESS OF THE CITY COUNCIL
WINDSOR HEIGHTS, IOWA
AGENDA STATEMENT**


Item No. 12
For Meeting of 04/7/08

ITEM TITLE: Consideration of an ordinance to amend the Code of Ordinances by amending sections of Chapter 29: Building and Property Regulations – Final Reading

CONTACT PERSON(S): Marketa George Oliver, City Administrator

SUMMARY EXPLANATION

This ordinance updates sections of our rental housing code, updating the frequency of required inspections and the charges related to rental inspections.

Resolution _____ Ordinance _____ Contract _____ Other (Specify) _____
Funding Source _____
 APPROVED FOR SUBMITTAL _____ City Administrator

RECOMMENDATION: Pass final reading of the ordinance on a roll call vote.

COUNCIL ACTION:

ORDINANCE NO. 08-07

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF WINDSOR HEIGHTS, IOWA, BY AMENDING SECTIONS OF CHAPTER 29: BUILDING AND PROPERTY REGULATIONS

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 amend certain sections of Chapter 29 of the Municipal Code, to provide clarification about the rental inspection fee and processes.

SECTION 2. Amended. Chapter 29.46 is amended to read as follows:

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

SECTION 3. Amended. Chapter 29.47 A. is amended to read as follows:

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

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—\$15.00 per trip, per building

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. “

SECTION 4. Added. Chapter 29.47 B. is added and reads as follows:

“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.”

SECTION 5. Chapter 29.05 of the Municipal Code is revised by deleting “February 4th” and inserting March 3rd into its place.

SECTION 6. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. Severability. If any section, provision or part of this ordinance shall be adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of this ordinance as a whole, or any section, provision or part thereof not adjudged unconstitutional or invalid.

SECTION 8. Effective Date. This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

Passed by the City Council this 3rd day of March, 2008 and approved this 7th day of April, 2008.

David J. Sullivan, Mayor

ATTEST:

Marketa George Oliver, City Administrator/Clerk

CLERK'S CERTIFICATE 08-07

I, Marketa George Oliver, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Windsor Heights, Iowa, and that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Windsor Heights, Iowa, as provided by law on the 18th day of February, 2008, approved as provided by law on the 7th day of April, 2008, and published as provided by law on the XX day of February, 2008, at 8:00 a.m.

Marketa George Oliver, City Administrator/Clerk