

**CHAPTER 310****RENTAL HOUSING CODE**

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**310.01 TITLE AND PURPOSE.** This chapter shall be known and may be cited and referred to as the “Monona County Rental Housing Code,” may be cited as such, and is referred to herein as the “Rental Housing Code.” The purpose of this Code is to establish the authority of Monona County with regard to rental housing within its jurisdiction and to provide for the adoption of a uniform housing code for rental housing premises.

**310.02 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.

**310.03 JURISDICTION.** The provisions of this Chapter shall apply to all of the unincorporated territory of Monona County, Iowa with the exception of facilities owned by the United States of American, State of Iowa, or Omaha Tribe of Nebraska. Nothing in this Chapter shall be construed to be in conflict with the State laws or the State Housing Code. In the event of such conflict, the State Law shall prevail.

**310.04 ADMINISTRATIVE PROVISIONS.** Administration of this chapter shall be as provided in this section and in the following sections of codes names, which are herein adopted by reference, to provide procedures for local enforcement of the codes constituting the Monona County Building Code.

1. The Building Official shall be appointed by the Chairman of the Monona County Board of Supervisors, subject to approval of the Board, for the enforcement of the Rental Housing Code, and such other ordinances as shall be assigned to the Building Official. The Building Official shall also perform such other duties as may be required by the Board.
2. The Building Official shall be accountable for the issuance of all applicable permits and shall have the power to render interpretations of the Rental Housing Code and to adopt and enforce rules and regulations supplemental to the code,

subject to approval of the Board as the Building Official deems necessary in order to clarify the application of the provisions of the Rental Housing. Such rules, regulations and interpretations shall be in conformity with the intent and purpose of this chapter,

3. An official copy of all codes adopted by reference in this chapter shall be on file in the office of the Building Official. A certified copy of the Ordinance adopting this chapter shall be on file in the office of the County Auditor.
4. The Building Official, or a designee as may be appointed by the Board of Supervisors, is hereby designated as the Building Inspector and is charged with the responsibility for performing all of the administrative and inspection functions required by this chapter and not otherwise delegated. Said Building Official may be provided with the assistance of such other persons as the Board may direct.
5. The Administrator or Environmental Health shall have the authority to perform inspection functions and enforcing provisions of the Monona County Ordinance regarding the installation of on-site wastewater treatment and disposal systems and Iowa Department of Natural Resources (IDNR) requirements for inspections at the time of real estate transfer.

**310.05 SCOPE.** The provisions of this chapter shall apply to all residential units, including single family homes, duplexes, apartments, rural houses or condominiums which are leased for consideration to a person or persons other than the owner. Said consideration includes but is not limited to cash rent as well as labor, services or similar provisions in lieu of cash rent. Properties that have an agricultural exemption in accordance with Section 100.04 of the Monona County Zoning Regulations shall be exempt from the requirements of this Chapter.

**310.06 UNIFORM HOUSING CODE, 1997 EDITION.** Pursuant to published notice and public hearing, as required by law, the Uniform Housing Code (UHC), 1997 Edition, as published by the International Conference of Building Officials, is hereby adopted reference and in full except for such portions as may hereinafter deleted, modified or amended.

The following sections are hereby revised:

1. Chapters 15 and 16 and Section 504.1 through 504.3 of said UHC shall not be applicable to this Chapter.
2. The second sentence of Section 1401.1 shall be deleted and replace in lieu thereof with “A violation of any of the provisions of this Chapter shall be in addressed in conformance with Section 310.10 of the Monona County Rental Housing Code.”
3. Subsections 2, 4, 7, 8, 9, 11, 12, 13, and 15 of Section 1001.2 shall not be applicable to this Chapter.
4. In the introductory portion of Subsection 1001.2, delete the words “include, but not” from the definition of inadequate sanitation.

5. Section 1001.4 shall not be applicable to this Chapter.
6. Section 1001.10 shall not be applicable to this Chapter.
7. Section 1001.11 shall not be applicable to this Chapter to the extent that it would apply to owners of leased premises, provided however that owners shall be subject to Section 1001.11 if the occupant responsible for the accumulation no longer resides in the premises. Section 1001.11 shall remain in effect as to occupants of leased premises.

**310.07 SUBSTANDARD BUILDING CONDITIONS.** Any building or portion thereof that is determined to be an dangerous building in accordance with Chapter 320 of Monona County Code, or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there existing any of the conditions referenced in Chapter 10 of the Uniform Housing Code to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard buildings. For residential dwelling units, said conditions include but are not limited to the following:

1. Inadequate sanitation, plumbing and heating within the structure including but not limited to:
  - A. Lack of or improper water closet, lavatory, bathtub or shower, including hot and cold water to all fixtures and proper drain for each fixture.
  - B. Lack of or improper kitchen sink including hot and cold water and proper drain.
  - C. Lack of adequate heating facilities.
  - D. Lack of or improper operation of required ventilating equipment.
  - E. Lack of minimum amounts of natural light and ventilation required by Chapter 5 of UHC.
  - F. Room and space dimensions less than required by Chapter 5 of UHC.
  - G. Lack of appropriate egress for all sleeping quarters.
  - H. Lack of connection to required sewage disposal system.
  - I. Illicit discharge of sanitary sewage waste material is entering public rights-of-way or storm water drainage system.
  - J. Water heaters and boilers without proper pressure relief valves.
  - K. Missing or corrode flues on fuel-fired equipment.
  - L. Lack of shutoff valve in gas piping within three feet of each appliance.
2. Structural hazards including but not limited to:
  - A. Deteriorated or inadequate foundations.

- B. Flooring or floor supports, including flooring and supports for porches and decks that is defective or deteriorated and/or is of insufficient size to carry imposed loads with safety, including flooring and supports for porch and decks
  - C. Members of walls or other vertical supports that split, lean, list or buckle due to defective material or deterioration and/or are of insufficient size to carry imposed loads with safety.
  - D. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that split, lean, list or buckle due to defective material or deterioration and/or are of insufficient size to carry imposed loads with safety.
  - E. Fireplaces or chimneys that list, bulge, or settle due to defective material or deterioration.
3. Electrical safety items including but not limited to:
- A. Electrical wiring that was installed in violation of code requirements in effect at the time of installation or not installed in accordance with generally accepted construction practices where no codes were in effect.
  - B. Electrical wiring that had not been maintained in good condition or that is not being used in a safe manner.
  - C. Electrical panel that is not clearly labeled with all circuits marked.
  - D. Electrical panel with unused openings properly closed.
  - E. Electrical service is not sized to handle loads imposed by the premises.
  - F. Lack of proper over-current protection and/or ground-fault protection.
  - G. Lack of clearly labeled disconnection points for each service, fee, or branch circuit.
  - H. Electrical room is clearly marked and accessible with a clear and unobstructed means of access to controls.
  - I. Electrical cords that are not sized properly or located properly, such as running under rugs.
4. Fire safety and emergency response items including but not limited to:
- A. Lack of operational smoke detectors in all required locations.
  - B. Less than three fire extinguishers present in appropriate locations.
  - C. Lack of fully operational fire alarm system, if required.
  - D. Storage of Class 1 liquids, such as gasoline, stored inside building.
  - E. Premises address numbers not clearly visible from the street.

5. Inadequate property maintenance in accordance with Chapter 330 of Monona County Code.

**310.08 AMERICANS WITH DISABILITIES ACT.** The applicant for registration of any rental housing is hereby put on notice that their property may be subject to the provisions of the Americans With Disabilities Act (ADA). The applicant is solely responsible for determining whether, and to what extent, the ADA may be applicable to such property. The County shall have no, and expressly disclaims any, responsibility for determining whether or to what extent any premises may be subject to ADA requirements and neither the existence of this provision nor the registration of such rental property shall be interpreted or construed as any representation that the premises is, or is not, subject to, or in compliance with, the terms and provisions of the ADA.

**310.09 REGISTRATION AND FEES.**

1. The owner(s) of each residential dwelling unit held out for rental to the public shall register that rental unit and their ownership thereof with the Monona County Building Official. Such registration shall be done annually, for each fiscal year beginning on July 1 of said year and ending June 30 of the following year.
2. Registration is required during the time period beginning July 1 of each year through and including August 31 of the same year.
3. For new rental housing, housing newly converted to rental housing, or new ownership of rental housing, such registration shall take place within the thirty (30) day period immediately following the change of ownership or first occupancy of a rental unit by a tenant or tenants.
4. The owner(s) shall pay a registration fee in an amount established from time to time by Resolution of the Board of Supervisors. Said fees may include a penalty for any rental unit which is not registered within the timeframe set forth above. Said fees shall also include a "no show" fee for owner(s) that fail to attend scheduled inspections. Said fees shall include a fee for any first re-inspection and additional re-inspections which are required in a given year.
5. If a rental unit is registered for the current fiscal year and is sold or conveyed to a new owner during said fiscal year, the original owner(s) shall notify the Building Official of the change in ownership. The Building Official shall not assess a fee for recording a change of ownership.
6. From time to time, Monona County may offer training sessions for rental property owners. At the discretion of the Board of Supervisors, said training sessions may reduce the annual registration fee for the following year for attendees.

**310.10 AUTHORITY AND INSPECTIONS.**

1. The Building Inspector is hereby authorized to schedule such inspection of the rental units as are required to ensure compliance with this Chapter.

2. The Building Inspector shall attempt to work with the owner(s) to find a mutually agreeable time during regular business hours to make the inspection. At the time scheduled for the inspection, the owner(s) shall ensure that one or more of them are available to show the premises or they may arrange to have the premises shown by any other responsible adult the owner(s) may designate.
3. If the Building Inspector arrives at the time scheduled and no person is available to show the premises to him/her, the owner(s) shall pay a “no show” fee and the inspection shall be rescheduled for the earliest appropriate time.
4. If the Building Inspector discovers conditions not in compliance with the Rental Housing Code, the Building Inspector shall so notify the owner(s) and shall set a date by which the violations shall be brought into compliance.
5. The amount of time allowed by the Building Inspector shall vary depending upon the circumstances, with the greatest urgency being required for those violations which pose a serious threat to human health or safety. At the expiration of the time period in which the violation must be brought into compliance, the Building Inspector shall re-inspect the premises to determine compliance. The owner(s) shall pay a fee for the first re-inspection and all additional re-inspections which are required in a given year.

### **310.11 VIOLATIONS AND PENALTIES.**

1. **Violations.** It shall be unlawful to lease any residential dwelling unit without proper registration and inspection as required by the provisions of this Ordinance, or any amendment or supplement thereto, lawfully adopted by the County Board of Supervisors; or to fail to comply with any reasonable requirement or condition imposed by the Building Official.
  - A. If the Building Official shall find that any of the provisions of this chapter are being violated, the Building Official or designee shall notify in writing the person responsible for such violation. The Building Official order discontinuance of illegal use of land, buildings, or structures, or shall take any other action authorized by the Rental Housing Code to insure compliance with or to prevent violation of its provisions. The notice shall state the nature of the violation, order the action(s) necessary to correct each violation, and providing a reasonable time limit for the satisfactory correction thereof.
  - B. A Notice of Violation may be served as a first attempt to gain compliance. If compliance is not met with the sending of a Notice of Violation then a Citation shall be served on the property owner. The offender shall be provided a reasonable time, not to exceed thirty (30) days in which to correct the violations.
  - C. A violation which occurs for a short period of time having no other reasonable means for insuring compliance, may be served a citation immediately upon observation of a violation.

- D. If the violation is not corrected, Monona County may seek such remedies, civil or criminal, as are authorized by law including, but not limited to, the provisions of the Monona County Ordinance for County infractions and as outlined herein.
2. **Penalties.** A violation of this Chapter of the Code of Ordinances or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a county infraction punishable by civil penalty as provided herein.

*(Code of Iowa, Sec. 331.307)*

- A. **Civil Penalty.** The Building Official or designee may assess the maximum civil penalty allowed per day for each violation. A county infraction of these Building Codes is punishable by the following civil penalties:

- (1) First Offense – Not to exceed \$750.00
- (2) Each Repeat Offense – Not to exceed \$1,000.00.

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

- B. **Civil Citations.** Any officer authorized by the County to enforce this Chapter of the Code of Ordinances may issue a civil citation to a person who commits a county infraction. The citation may be served by personal service as provided in Rule of Civil Procedure 1.305, by certified mail addressed to the defendant at defendant's last know mailing address with return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 1.310 and subject to the conditions of Rule of Civil Procedure 1.311. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed.
- C. **Alternate Relief.** Seeking a civil penalty as authored in this section does not preclude the County from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief. Further, this section does not preclude or limit the authority of the County to enforce the provisions of State or County Code by criminal sanctions or other lawful means.
- D. **Prosecution.** If prosecution becomes necessary, it shall be administered under the provisions of Chapter 335, Code of Iowa, which states in part that the violation of any regulation, restriction or boundary adopted under said chapter or the occupancy or use of any structure erected, altered or maintained in violation of said chapter shall constitute a simple misdemeanor. Such occupancy or use shall be deemed a continuing violation and may be the subject of repeated prosecutions if so continued.

**3. Remedies.**

- A. The Building Official may withhold or deny any permit, certificate, or other form of authorization on any land in which there is an uncorrected violation of a provision of this chapter.
- B. The Building Official may condition the authorization of any permit or certificate upon the correction of a deficiency.
- C. The Building Official may revoke approval of a permit or certificate by notifying the applicant and/or landowner in writing the reason for the revocation. Revocation may include, but is not limited to, any of the following reasons:
  - (1) For any substantial departure from the approved application, plans or specifications, or
  - (2) For refusal or failure to comply with the requirements of state or local laws, or
  - (3) For false statements or misrepresentations made in securing permit approval.
- D. If the Building Official determines that a violation is an immediate threat to public safety or welfare and the property owner has failed to take corrective action within the time period stated in the notice provided, Monona County may take such remedial action as is necessary to protect the public safety or welfare. Such remedial action may include entering the property where a violation is present, correcting the violation, and placing a lien on the property to secure payment and reimbursement of any and all expenses incurred by Monona County to correct such violation.

**310.12 HOUSING ADVISORY AND APPEALS BOARD.** Notwithstanding the provisions of Section 203.1 of said Uniform Housing Code, the Board of Supervisors shall appoint the members of the Housing Advisory and Appeals Board. If so appointed, elected officials who are not full-time employees may serve on the Housing Advisory and Appeals Board.

**310.13 APPEALS** Any person may register an appeal in writing with the Board of Appeals for a review of any decision or order of the Building Official and/or Building Inspector acting in that capacity, provided that such appeal is made within five (5) days after such person shall have been notified of such decision by the Building Official or Building Inspector. Notice of such appeal shall be completed by filing a written notice with the Building Official. Upon receipt of such appeal, the Housing Advisory and Appeals Board shall proceed to examine whether the action of the Building Official and/or Building Inspector was in accordance with the provisions of the Code and after such investigation and hearing, the Housing Advisory and Appeals Board shall within five (5) business days issue its final determination in writing. In no case shall the hearing be held more than thirty (30) days after the original written notification was made.



*(Rental Housing Code passed and approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.)*

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