

ORDINANCE NO. 825

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ORANGE CITY, IOWA, BY THE ADDITION OF ARTICLE 4, RENTAL HOUSING UNITS, TO TITLE 3, BUILDING REGULATIONS, CHAPTER 1, BUILDING CODE

BE IT ENACTED by the City Council of the City of Orange City, Iowa, as follows:

SECTION 1. New Article. The Municipal Code of the City of Orange City, Iowa is hereby amended by adding the following new Article 4 of Chapter 1 Building Code, Title 3 Building Regulations, as follows:

ARTICLE 4 - RENTAL HOUSING UNITS

- 4.01 PURPOSE. It is the purpose of this ordinance to detail the requirements of a rental housing inspection program. To protect, preserve and promote the physical health and social wellbeing of the people. To prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate rental dwellings for the purpose of maintaining adequate sanitation and to protect the life safety and possessions of the people.
- 4.02 DEFINITIONS. For the purpose of this Rental Housing Units Ordinance, certain terms and words are hereby defined:
1. Rental unit: Any building or portion thereof which is allowed to be occupied by one or more persons as a dwelling space which includes one or more of the following activities: sleeping, eating, or general habitation. As a condition of occupying the space, the renter or renters exchange cash or other valuable considerations for the right to occupy the space.
 2. Exempt Rentals: Rental units that are inspected by a certified third-party inspection organization will not require an inspection from the City of Orange City. The Code Enforcement Department of the City of Orange City will maintain a list of all rental units that are exempt from the inspection requirements of this ordinance.
 3. Vacation/Guest House: A vacation/guest house is defined as a furnished apartment, house, dwelling unit, or professionally managed condominium complex rented out on a temporary basis to guest or guests.
 4. Newly Constructed Units: Any unit that has been newly constructed within the last year.
 5. Violation: A violation of all applicable building codes that if allowed to remain as found would constitute an immediate threat to the safety of those living in the rental unit. (Examples of major violations could include but are not limited to: improper venting of combustion air, missing or inoperable smoke detectors, improper electrical wiring or equipment, lack of or damaged water heater, or lack of required egress)

6. Tenant/Renter: A person or group occupying a rental unit.
7. Owner/Landlord: Person or persons who are responsible for the renting or leasing of rental units which shall include the owners of such property or their designated representative.
8. Owner's Representative: A person who is appointed by a rental property owner to act as the property manager. The Owner's representative should be able to provide a City inspector access to the entire property for inspections and be at least 18 years old.

4.03 ENFORCEMENT. The Code Enforcement Department or persons designated are responsible for the enforcement of this chapter.

4.04 PERMIT REQUIRED. Any person or entity wishing to engage in the renting of dwelling units within the City limits of the City of Orange City shall first obtain a rental permit from the City. This permit shall be deemed to be a public record and shall be made available to the public upon request.

1. No owner/landlord shall rent or lease any rental unit or any portion of a rental unit to a tenant/renter until a valid rental permit has been issued by the City of Orange City for the rental unit being rented.
2. It is the responsibility of the owner/landlord to ensure that the rental unit has been inspected and granted a rental permit . Failure to obtain a rental permit or renew a rental permit after a prior rental permit has expired will result in a notice being sent to the property owner that the rental unit is not in compliance and can no longer be rented to a tenant/renter until a new permit is issued.
3. Rental units that are found to be *exempt rentals* are required to be registered as exempt rentals with the City of Orange City.
4. Rental units that are found to be *newly constructed units* must be registered before they are occupied. The final inspection of the building permit process will serve as the first inspection of the rental inspection program.
5. Failure by an owner/landlord to obtain a rental permit for any rental units within 90 days of adoption of this policy will result in the rental unit being in violation of this ordinance and the rental unit can no longer be rented to a tenant/renter until a rental permit is obtained for said rental unit. The owner/landlord may also be assessed fines or municipal ordinance infraction penalties due to the failure to obtain a rental permit on a timely basis.
6. Rental permits will be valid for only one building. For properties that have multiple buildings on site, a permit will be required for each building on the property.
7. A rental permit or the renewal of a rental permit may be denied or revoked if the property owner has one or more rental units in which the property has been cited for

violations of this ordinance or any other provisions of the Orange City Building Code. Prior violations that have been corrected shall not be counted as a prior violation for purposes of this section. If the rental property has three(3) or more violations within a 12-month period, the City shall, in its sole and absolute discretion, deny or revoke the rental permit.

8. Owner/Landlord may appeal the denial or revocation of a rental permit per the procedure set out in Section 13 below.

4.05. PERMIT APPLICATION PROCESS/PERMIT FEES. The owner/landlord of each rental unit shall register that rental unit with the City by filling out an application for a Rental permit approved by the Code Enforcement Department. A rental permit shall be renewed every five(5) years. Owners shall pay a permit/renewal fee of one hundred dollars(\$100) per unit plus an additional fifteen dollars(\$15) for each rental unit in excess of one(1) per building, subject to the following:

1. On the date of adoption of this Rental Housing Ordinance the following discounts from the above fees will be applicable:
 - a. If the owner/landlord registers a rental unit within 60-days of adoption of this ordinance, the permit fee will be discounted by 50%.
 - b. If the owner/landlord registers a rental unit within 90-days of adoption of this ordinance the permit fee will be discounted by 25%.
2. The owner/landlord shall pay an additional fifty dollar (\$50) late permit fee for any rental unit which is not registered within the time frame set forth above.

4.06 EXPIRATION OF PERMIT. Every rental permit issued by the Code Enforcement Department under the provisions of this policy shall be valid for five(5) years. Permits that are revoked as herein provided shall be null and void at time of revocation. Owners/landlords shall have 30 days from the date of expiration of the rental permit term to renew the rental permit. If at the end of the 30-day renewal period, the permit has not been renewed, the rental dwelling is then no longer considered an eligible rental. The owner/landlord can no longer rent said rental to a tenant and the owner/landlord must re-apply for a rental permit for said rental unit.

4.07 TRANSFER OF OWNERSHIP. If ownership of a rental property is transferred to a new owner/landlord, the new owner/landlord shall apply for a new rental permit no later than 30 days following date of closing of purchase. No refunds will be given to the original property owners for the previously paid rental permit. If the new owner/landlord does not register the rental property within the first 30-days of renting the property, the new owner/landlord shall not be able to rent the rental property to a tenant/renter until a new rental permit is obtained and will have to pay a late fee of fifty dollars (\$50) in addition to the registration fee when registering the rental property.

4.08 RENTAL INSPECTION. The Code Enforcement Department shall inspect all rental units being offered as a rental in the City of Orange City every five(5) years. As part of the revolving inspection process the Code Enforcement Department may require, that a re-inspection be held at a time sooner than five(5) years if concerns or violations were found during previous inspections or the Code Enforcement Department receives complaints of possible Building Code violations of a rental unit during the five (5) year term.

Inspections of a rental unit shall be subject to the following terms and conditions:

1. The City shall notify the owner/landlord of its intent to inspect a rental unit at least 15-days prior to a scheduled inspection. It is the owner/landlord's responsibility to notify the tenants of the date/time of inspection prior to the inspection.
2. Inspections shall not be conducted without the property owner or owner's representative present unless owner or owner's representative gives their permission to the City to inspect without them being present prior to the inspection.
3. Inspections shall be consistent with the applicable building codes adopted by the City of Orange City.
4. All fees are to be collected before inspection at time of application.
5. If the inspector arrives at the time scheduled and no person is available to show the premises to him/her, the owner/landlord shall pay a fifty dollar(\$50.00) "no show" fee.
6. Items not inspected as part of this ordinance include but are not limited to:
 - a. Asbestos
 - b. Lead based paint
 - c. Complaints between tenants
 - d. Rental agreements

4.09 RIGHT OF ENTRY. If it is necessary for a code official to conduct an inspection in order to enforce the provisions of this code and, in doing so, requires access to the rental. The inspector may enter the rental at reasonable times to inspect or to perform duties imposed by this policy. If such rental is occupied the inspector shall present credentials to the occupant before entry. If entry is refused the inspector shall have recourse to the remedies provided by law to secure entry, including, but not limited to, obtaining an administrative search warrant to search the rental unit.

4.10 VIOLATIONS. Whenever a property or portion of a property being governed by the provisions of this chapter is found to have a violation of the City of Orange City Building Code, the Code Enforcement Department may order repairs to remedy the violation. A written letter setting out the corrective work necessary to remedy the major violations shall be delivered to owner/landlord by certified mail and/or hand delivery. The Code Enforcement Department may order that the occupancy of the rental unit subject to a violation finding be discontinued and vacated until the violation is corrected. Notice to

vacate and/or removal of tenants shall be carried out according to Iowa law.

The owner/landlord shall be given 30-days from date of receipt of the letter to complete the necessary repairs to remedy the violation or submit an appeal of the Code Enforcement Officer's determination of a violation per Section 13 below. At the end of the said 30-day time period, if the necessary repairs to remedy the violation are not completed and no appeal has been taken, the owner/landlord shall be assessed a fee a fee of \$100 per violation. If repairs are not completed in the mentioned time frame the code enforcement officer can grant an extension given a reasonable explanation for completion of violations.(See Section 11: Additional Housing Fees for violations).

4.11 ADDITIONAL HOUSING INSPECTION FEES.

1. Certificate of Compliance. (Included in Housing Permit)
2. New Construction- Certificate of Compliance. (Included with Building Permit)
3. Failure to Correct/Repair Violation
(See Section 10: Violations (1)) \$100.00
4. Inspection fee for every additional inspection,
including but not limited to: court request, attorney
requested, progress inspection at request of
owner/manager and/or City Council. \$50.00 per unit
5. Failure to keep appointment, arrange for inspection,
or provide entry for scheduled inspection. \$50.00 per unit
6. Housing Appeals \$100.00

4.12 METHOD OF SERVICE. The notice of violation will be in the form of a letter sent by certified mail or hand delivery to the owner/landlord or owner's representative.

4.13 APPEALS. If an owner/landlord submits a timely appeal of the Code Enforcement Department's determination of a violation and/or required action to remedy the violation, said appeal shall be submitted to a City Council subcommittee consisting of members of the City Council appointed by the Mayor.

The findings of the subcommittee shall be conclusive, and if the subcommittee finds that a violation has occurred and/or the corrective work is reasonable and necessary to remedy the violation, the owner/landlord shall then have 30 days from the date of the subcommittee's ruling to complete the necessary corrective work and further be subject to the penalties provided for in this ordinance for failure to timely complete the corrective work in the event the corrective work is not completed within the 30-day time period.

- 4.14 SUSPENSION OR REVOCATION. The Code Enforcement Department may revoke or suspend the rental permit whenever provided by this ordinance or in the event that any information provided by the property owner or owner's representative is found to be inaccurate.
- 4.15 REMOVAL OF TENANTS. The Code Enforcement Department may seek removal of tenants if violations are not corrected after proper notice of violations and time to correct violations is given. In the event that it becomes necessary for the Code Enforcement Department to proceed with removal procedures, all legal fees and actual associated costs with the action shall be paid in full by the owner/landlord or owner's representative. Occupancy of any kind on that property shall not be allowed until all fines and fees are paid in full.
- 4.16 NO WARRANTY BY CITY. By enacting and undertaking to enforce this ordinance, the City Council, its agents, and employees do not warrant or guarantee the safety, fitness, or suitability of any dwelling in the City of Orange City. Owners and occupants should take whatever steps they deem necessary or appropriate to protect their interests, health, safety, and welfare.

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

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

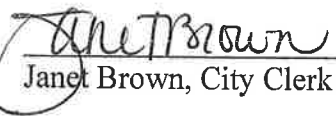
SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Orange City on this 15th day of February, 2021.



Deb De Haan, Mayor

ATTEST:



Janet Brown, City Clerk