Housing Code

City of Sioux City, Iowa
(Municipal Code Section 20.05)

Effective July 1, 2001

This code is administered by

Inspection Services Division
Located in the
Permit Center at City Hall
405 6th Street
P.O. Box 447
Sioux City, Iowa 51102
Phone 712-279-0179

Printed April 10, 2001
Section 20.05.010 Citation.
This chapter shall be known as the "Housing Maintenance Code", and/or the "Housing Code". and may be so cited.

Section 20.05.020 Exemption from city regulations.
The following structures and systems are exempt from this ordinance:
1. Federally-owned housing units;
2. State-owned housing units;
3. Public utilities-owned equipment and buildings;
4. New US Housing and Urban Development (H.U.D.) certified manufactured and modular housing
5. Hospitals, nursing homes, hotels, motels, and all other facilities which are licensed by the State of Iowa and inspected by State Agencies or the Siouxland District Health Department

Section 20.05.030 Purpose.
It is the purpose of this chapter to adopt a complete housing maintenance code to protect public health, safety and welfare; to establish regulations governing maintenance of owner-occupied dwellings, and maintenance of rental dwellings, including minimum standards; permits; fees; inspections; use of licensed trades and enforcement procedures.

Section 20.05.040 Scope.
The rules of this chapter apply to all owner-occupied and rental housing within the corporate limits of the city, unless specifically exempted by section 20.05.020.

Section 20.05.050 Administration.
1. The rules of this chapter are administered and enforced by the inspectors and the manager of inspection services division, a division of the community development department.
2. The manager of inspection services reports to the director of the community development department.
3. The director of the community development department reports to the city manager.
4. The city manager reports to the city council.
5. In addition to city staff, the city council also appoints citizens to various boards to assist in administering, interpreting and periodically updating these rules.
6. The title of "manager of inspection services" and "manager" as used in this chapter is used interchangeably and synonymously with the title of "building official" as used in the various model codes and standards adopted by reference in other chapters of this code.

Section 20.05.060 Housing inspector - Office and duty.
There is created within the inspection services division the position of housing inspector. It is the duty of the housing inspector to administer and enforce provisions of this code, subject to the supervision and control of the manager. The inspection services division shall keep complete records of all permits issued, inspections made, and other official work performed.

Section 20.05.065 Combination residential inspector - Office and duty.
There is created within the inspection services division the position of combination residential inspector. The terms "combination residential inspector" and "combination inspector" are used synonymously and interchangeably to designate the same position, throughout this code. It is the duty of the combination inspector to administer and enforce provisions of this code, and additionally, the residential provisions of the municipal building, electrical, mechanical, and plumbing codes, subject to the supervision and control of the manager. The inspection services division shall keep complete records of all permits issued, inspections made, and other official work performed.
Section 20.05.070  Prohibited activity.
Neither the housing inspector nor the combination inspector shall engage directly or indirectly in
the sale, furnishing or installation of housing construction or maintenance equipment, nor shall
the inspector have financial interest in any concern engaged in such business in the city.
Violations of the provisions of this section shall be good and sufficient cause for disciplinary
action.

Section 20.05.080  Responsibilities of owners of rental dwellings.
It is the duty and responsibility of owners, managers, and landlords of rental dwellings to comply
with the following:

1. No owner or other person is permitted occupy or let another person occupy, any dwelling or
dwelling unit unless it meets all minimum safety and sanitation requirements stated in this code.
2. Every owner of a rental property containing two or more dwelling units must maintain the
shared or public area of the dwelling and the premises, in a clean and sanitary condition.
3. Every owner of a dwelling containing five or more dwelling units must supply facilities or
refuse containers of adequate capacity for the sanitary and safe storage and/or disposal of rubbish
and garbage. In all other cases, it is the responsibility of each occupant to furnish such facilities
or refuse containers.
4. The owner of a dwelling unit is responsible to provide and install all screens and storm doors
and windows whenever they are required under the provisions of this code or any code adopted
by reference, unless there is a written agreement between the owner and occupant which
provides otherwise. In the absence of such an agreement, maintenance or replacement of screens,
storm doors and windows, once installed, becomes the responsibility of the occupant. The
occupant's responsibility is for his or her dwelling unit, only.
5. Every landlord is responsible to provide heat to every dwelling or rooming unit such that a
temperature of 68 degrees Fahrenheit can be maintained in all habitable rooms and bathrooms
throughout the heating season.
6. Every landlord must maintain all dwellings reasonably free from health hazards due to the
presence of toxic substances, such as lead-based paint. Occupants of rental dwellings are
responsible to maintain their units in a safe condition by proper cleaning, protecting painted areas
from abuse and damage, and by promptly reporting all damaged areas to the landlord.

Section 20.05.085  Responsibilities of tenants of rental dwellings.
It is the duty and responsibility of tenants, and occupants of rental dwellings to comply with the
following:

1. Every occupant of a dwelling or dwelling unit must maintain the dwelling unit and premises
that he or she occupies and controls, in a clean and sanitary condition.
2. Every occupant of a dwelling or dwelling unit must store and dispose of all his or her garbage,
refuse, and any other household waste in a clean sanitary, safe manner. Plastic bags may be used
as garbage and refuse container liners, but shall not be used without the container for on-site
storage of garbage or refuse.
3. It is the responsibility of each occupant of each dwelling of a multi-family dwelling of four
units or less to furnish refuse containers for their own use.
4. Each occupant of a single family dwelling is responsible for the extermination of cockroaches
and other insects which are known to cause or aid in the spread of disease. Occupants of such
dwellings are also responsible for the extermination of mice and other rodents which are known
to cause or aid in the spread of disease. Each occupant of a dwelling unit in a duplex or multi
family dwelling is responsible for such extermination whenever his or her dwelling unit is the
only one infested, and such infestation is due to the occupants failure to maintain the unit in a sanitary condition. In the event that infestation is caused by failure of the owner of a multi family dwelling to maintain the structure in a reasonable condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination there shall be the responsibility of the owner.

5. No occupant of a dwelling or dwelling unit is permitted to accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide food or a rat harborage in or about any dwelling or dwelling unit.

6. Every occupant of a rental dwelling unit must keep all fixtures and facilities which are provided by the landlord, in a clean, sanitary, and operable condition. Every such occupant is responsible for the exercise of reasonable care in the proper use and operation of such fixtures and facilities. Every such occupant is responsible to notify the landlord of any such fixtures or facilities which are damaged, broken, inoperable or leaking as soon as such conditions are discovered.

7. No dwelling or premises may be used as a place of storage, keeping or handling of any dangerous articles, substances or chemicals, except for reasonable amounts of normal household cleaning and maintenance substances which are safely and securely stored.

8. Responsibilities of tenant for smoke detectors. It is the duty of the occupant of every rental dwelling to inform the landlord, immediately, of the failure or malfunction of any smoke detector. It is the tenant's responsibility to maintain functional batteries in battery-operated smoke detectors, and to replace the batteries as needed. Any tenant who intentionally damages or disables a smoke detector, or who fails to maintain functional batteries in any landlord-furnished smoke detector may be issued a municipal infraction citation, with a maximum penalty of $500.

9. The maximum occupancy of any dwelling must not exceed the lesser value of the following two requirements:

   a. For the first occupant, there must be at least one hundred fifty square feet of floor space and there must be at least one hundred square feet of floor space for each additional occupant of the dwelling. The floor space is the total habitable room area.

   b. The total number of occupants must be not more than two times the number of bedrooms, plus one person, within the dwelling unit.

Example: a two bedroom dwelling may have 2 x 2 (number of bedrooms) = 4 + 1 (1 person) = 5 occupants.

Section 20.05.090 Applicability to new buildings and additions.
All construction of new dwellings and new additions to existing dwellings must comply with all provisions of the municipal zoning, building, electrical, mechanical, and plumbing codes governing new construction.

Section 20.05.100 Minimum supplied fixtures and features of dwellings.
All single family, duplex and multi-family dwelling units must be maintained in accord with the following minimum standards (in the event of a conflict between these standards and HQS standards of Section 20.05.105, the more restrictive standards will apply):

1. Every dwelling unit must have a kitchen or kitchenette which must be ventilated by a window or exhaust fan. All appliances and fixtures must be installed and maintained in safe, operable condition, in compliance with minimum codes and manufacturers specifications.

2. Every dwelling unit must contain a bathroom or bathrooms which afford privacy. Fixtures must include a flush water closet, lavatory sink, and at least one of the bathrooms must contain a bathtub or a shower. All appliances and fixtures must be installed and maintained in safe, operable condition, in compliance with minimum codes and manufacturers specifications.

3. Every single family dwelling must have at least two means of egress leading to safe and open space at ground level. One means of egress must be an exterior doorway which opens directly to
open space at ground level. The second means of egress may be an additional exterior doorway, or it may be an egress window which complies with the requirements of this code governing egress windows.

4. Every dwelling unit in a multi family dwelling must have at least one doorway which opens directly onto open space, or directly into an approved corridor system leading to an approved exit which opens directly onto open space. All bedrooms located below the fourth floor of all buildings must be provided with an exterior door or window of such dimensions as to be used as a means of emergency egress and rescue.

5. All existing stairways of four or more risers shall have at least one handrail; and all existing stairways of four or more risers which are five feet or more in width, or which are open on both sides, shall have a handrail on each side. Porches, patios, and balconies located more than 30" above the adjacent area must have protective guardrails which are no more than 36" above the floor deck. Spacing of intermediate rails must comply with the code in effect at the time of construction or rebuilding.

6. Every dwelling unit shall have two independent ways of egress, each of which shall be equipped with functioning locking devices. One egress must be a door. The second egress may be a window which complies with minimum opening of 5.7 square feet, and sill height of 44" above the floor. All windows whose sills are within eight feet of the surrounding grade level shall be equipped with functioning locking devices.

7. Access to or egress from each dwelling unit must be provided without passing through any adjacent dwelling unit.

8. All exterior doors of all dwelling units must be equipped with functioning locking devices.

9. All dwelling units must be provided with a smoke detector at each floor level, including basements.

10. The ceiling height of any habitable room must be at least seven feet. However, in any habitable room under a sloping ceiling, at least one-half of the floor area must have a ceiling height of at least seven feet. Additionally, the floor area of those parts of a room where the ceiling height is less than five feet may not be considered as part of the floor area when computing the total area of the room for the purpose of determining maximum occupancy.

11. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one person must contain at least seventy square feet of floor space. Every room occupied for sleeping purposes by two or more persons must contain not less than fifty square feet of floor space per person. Example: a sleeping room occupied by two persons must be not less than 100 square feet (50 + 50 = 100). A room 10 by 10 would be an adequate sleeping room for two persons (10 x 10 = 100).

12. Access to a single bathroom which serves an entire dwelling may not be through a sleeping room. Access to one sleeping room may not be through another sleeping room. A bathroom may not be used as the only passageway to any other habitable room.

13. Every sleeping room must have at least four square feet of floor to ceiling height closet space for personal effects.

14. No basement space may be used as a habitable room or dwelling unless the floors and walls are waterproof and damp-proof, the minimum window areas comply with this code, there is a one-hour separation between the furnace room and the dwelling, there are two means of egress and sleeping room egress, there is a minimum ceiling height of seven feet.

15. Every habitable room must have at least one window or skylight facing outdoors. The window opening area must be at least 8 percent of the total floor area of the room.

16. Every habitable room must have at least one window or skylight facing directly outdoors which can be opened easily, to provide ventilation and fresh air to the room. Every bathroom and water closet compartment, and non habitable room used for food preparation, shall comply with the light and ventilation requirement for habitable rooms, except that no window or skylight shall be required in such rooms if they are equipped with a ventilation system in working condition.

17. Every public hall and stairway in every multiple dwelling must be adequately lighted by
natural or artificial light at all times, or by motion or light sensors. Adequate light is enough light for an average person to see their feet and the floor while walking up or down stairs and through hallways. Public halls and stairways in duplexes may be supplied with light switches that may be turned on when needed.

18. All heating devices must be constructed, installed, and operated in compliance with minimum safe standards and in accord with manufacturer specifications. All heating devices must be installed in accord with the Municipal Mechanical Code, Chapter 20.20.

Section 20.05.105 Federal HQS minimum fixtures and features of dwellings.

The following standards of the Federal Housing and Urban Development Department (HUD) Housing Quality Standards (HQS) (Fed. 982.401) are hereby adopted. All single family, duplex and multi-family dwelling units must be maintained in accord with the following minimum standards (in the event of a conflict between these standards and the standards of Section 20.05.100, the more restrictive standards will apply):

1. Sanitary facilities
   a. The dwelling unit must include sanitary facilities located in the unit. The sanitary facilities must be in proper operating condition, and adequate for personal cleanliness and the disposal of human waste. The sanitary facilities must be usable in privacy.
   b. The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.
   c. The dwelling unit must have a shower or tub in proper operating condition with hot and cold running water.
   d. The facilities must utilize an approved public or private sewage disposal system.

2. Food preparation and refuse disposal
   a. The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner.
   b. There must be adequate facilities and services for the sanitary disposal of food wastes and refuse, including approved sanitary facilities for temporary storage.
   c. The dwelling unit must have an oven, and a stove or range, and a refrigerator of appropriate size for the occupants. All of the equipment must be in proper operating condition. The equipment may be supplied by either the owner or the family.
   d. The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approved public or private sewage disposal system.
   e. The dwelling unit must have space for the storage, preparation, and serving of food.

3. Space and security
   a. The dwelling unit must provide adequate space and security for the family.
   b. The dwelling unit must have a living room, a kitchen area, and a bathroom.
   c. The dwelling unit must have at least one bedroom or living/sleeping room for each two persons.
   d. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living/sleeping room.
   e. Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be lockable (such as with sash pins or sash locks and combination windows with latches). Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an egress window.
   f. The exterior doors of the dwelling unit must be lockable. Exterior doors are doors by which someone can enter or exit the dwelling unit.

4. Thermal environment
   a. The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.
b. There must be a safe system for heating the dwelling unit (and a safe cooling system, where present). The system must be in proper operating condition. The system must be able to provide adequate heat (and cooling, if applicable), either directly or indirectly, to each room, in order to assure a healthy living environment.

c. The dwelling unit must not contain unvented room heaters that bum gas, oil, or kerosene. Electric heaters are acceptable.

5. Illumination and electricity
   a. Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. The electrical fixtures and wiring must ensure safety from fire.
   b. There must be at least one window in the living room and in each sleeping room.
   c. The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.
   d. The living room and each bedroom must have at least two electrical outlets in proper operating condition.

6. Structure and materials
   a. The dwelling unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.
   b. Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.
   c. The roof must be structurally sound and weathertight.
   d. The exterior wall structure and surface must not have any serious defects such as serious leaning, buckling, sagging, large holes, or defects that may result in air infiltration or vermin infestation.
   e. The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable.

7. Interior air quality
   a. The dwelling unit must be free of pollutants in the air at levels that threaten the health of the occupants.
   b. The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants.
   c. There must be adequate air circulation in the dwelling unit.
   d. Bathroom areas must have one openable window or other adequate ventilation.
   e. Any room used for sleeping must have at least one window. Such window must be openable for purposes of ventilation.

8. Water supply
   a. The dwelling unit must be served by an approved public or private water supply that is sanitary and free from contamination.

9. Lead-based paint
   a. The unit must comply with minimum applicable state and federal regulations.

10. Access
   a. The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide and alternate means of exit in case of fire (such as fire stairs or egress through windows).

11. Site and neighborhood
   a. The dwelling and yard may not contain such defects, natural or manmade, as: dangerous walks or steps; instability; flooding; poor drainage; septic tank back-ups or sewage
hazards; mudslides; excessive accumulations of trash, garbage, junk, junk motor vehicles, or debris; insect, vermin or rodent infestation; or fire hazards.

12. Sanitary condition
   a. The dwelling unit and its equipment, facilities, and fixtures must be in sanitary condition.
   b. The dwelling unit must be free of vermin and rodent infestation.

13. Smoke detectors
   a. Each dwelling unit must have at least one battery-operated or hard-wired smoke detector, in proper operating condition, on each level of the dwelling unit, including basements, but excepting crawl spaces and unfinished attics. Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system, designed for hearing-impaired persons as specified in NFPA 74 (or its successor standards).

Section 20.05.110 Conversions of commercial buildings for residential use.
All conversions of existing commercial, industrial or other nonresidential building for residential uses must comply with all provisions of the municipal zoning, building, electrical, mechanical, and plumbing codes governing new residential construction.

Section 20.05.120 New construction of residential buildings.
All construction of new dwellings and new additions to existing dwellings must comply with all provisions of the municipal zoning, building, electrical, mechanical, and plumbing codes governing new construction.

Section 20.05.130 Applicability to existing buildings-maintenance.
1. All existing building, electrical, mechanical, and plumbing systems in all dwellings which were constructed and installed in compliance with the codes in effect at the time of construction, may remain in place, until such time as they are found to render the dwelling unsafe for anyone of the following reasons:
   a. The existing work has been damaged by fire, flood, wind, structural collapse, or any other catastrophic event, to such an extent that it has been made unsafe
   b. The existing work has deteriorated due to age, lack of maintenance, weathering, or any other cause, to such an extent that it has been made unsafe
   c. The existing work has been tampered with in such a way that it has been made unsafe
2. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, and deck must be safe to use and must be maintained sound condition and good repair. Every inside and outside stair or step must have reasonably uniform risers and uniform treads. Reasonably uniform is defined as a variation of no more than 3/8".
3. Every foundation, roof and exterior wall, door, skylight and window must be reasonably weathertight, watertight, damp-free, and must be kept in sound condition and good repair. All exterior wood surfaces, other than decay-resistant woods, must be protected from the elements and decay by paint, stain, or other protective covering or treatment.
4. The earth and yard surrounding every dwelling must be properly grade to drain water away from the dwelling. Every yard must be maintained free of standing water, and in a clean, sanitary and safe condition. 5. Unless other provisions are made, gutters, leaders, and downspouts must be provided and maintained in good working condition on all dwellings.
6. Every window, exterior door and hatchway or similar device must be so constructed to exclude insects during that portion of the year when there is a need for protection against mosquitoes, flies and other flying insects. Every doorway used for ventilation and opening
directly from a dwelling unit to outside space must be provided with properly fitting screens. Every window required for ventilation must be provided with properly fitting screens.

7. Every dwelling, accessory structure and premises on which they are located must be maintained in a rat-free condition.

8. All fences must be maintained in good condition. The permissible height and other characteristics of all fences must conform to the appropriate statutes, ordinances, and regulations of the city.

9. All accessory structures located on the premises of a dwelling must be structurally sound, and maintained in good repair.

10. Every plumbing fixture and all water and waste pipes must be properly installed and maintained in good sanitary working condition.

11. Every water closet compartment, bathroom and kitchen floor surface must be constructed and maintained to be reasonably impervious to water and to permit such floor to be easily kept in a clean and sanitary condition.

12. Every piece of equipment, or fixture which is present in a dwelling and which is required by this code, must be constructed and installed in conformance with the appropriate ordinances and regulations of the city and state.

13. No landlord may cause any service, equipment, utility or fixture which is required under by this code to be removed from or shut off from or discontinued for any rental dwelling while occupied by a tenant. This prohibition does not apply to temporary interruption as may be necessary while actual repairs or alterations are in progress, or during temporary emergencies when discontinuance of service is required by the city or electric and gas utility.

14. All areas and parts of the premises upon which any dwelling is located must be maintained and kept in a reasonable and proper manner. This requires the cutting of grass and weeds; removal of dead trees and brush; removal of abandoned and junked automobiles, automobile bodies, chassis and parts from the removal of inoperable machines and appliances; lumber piles and building materials not being used in actual construction; tin cans, broken glass, broken furniture, boxes, crates and all other debris, rubbish, junk and garbage.

15. Every owner of a dwelling or property upon which an abandoned well or cistern is located, must, upon notice from Inspection Services Division, close and fill them in a proper manner. This does not apply to wells and cisterns which are sealed in a proper manner such that entrance can be had only through the use of proper tools.

Section 20.05.140 Applicability to red-tagged buildings.

1. A building which has become unfit or unsafe to occupy, will be red-tagged.

2. A building which has been red-tagged must be brought into full compliance with the current codes for existing buildings.

3. Red-tagged buildings shall be subject to the processes set forth in Chapter 20.06.

Section 20.05.150 Adoption of model codes and standards

The following standards of the Federal Housing and Urban Development Department (HUD) Housing Quality Standards (HQS) (Fed. 982.401) are hereby adopted by reference. All single family, duplex and multi-family dwelling units must be maintained in accord with these minimum standards in the event of a conflict between these standards and standards found elsewhere in this code, the more restrictive standards will apply.

Section 20.05.160 Rental permit fee schedule.

1. All owners, agents or operators of rental property including single family dwellings, duplexes, and multi-family dwellings must pay an annual permit fee in accord with the following schedule:

<table>
<thead>
<tr>
<th>Type of Dwelling</th>
<th>Annual Permit Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Single family dwelling</td>
<td>$16.00</td>
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</tbody>
</table>
b. Duplex $18.00

c. Owner-occupied duplex $16.00

d. Multi-family dwelling (3 or more units) $16.00 for first unit plus $2.00 for each additional unit located on the same or on contiguous lots

2. All rental permits expire on December 31st of each year.

3. Rental permits which are not renewed within 30 days of expiration, that is, by January 31st, will be revoked. If the rental permit is revoked, the owner will be required to re-register the property as a new rental dwelling, and pay a penalty fee equal to the annual fee, that is, a double permit fee.

Section 20.05.170 Reserved.

Section 20.05.180 Permits for rental dwellings required.

1. No person is permitted to rent, lease, or otherwise allow the occupancy of any rental dwelling, unless he or she holds a valid rental permit. No person may collect rent unless he or she holds a valid rental permit.

2. New owners of rental dwellings are required to inform Inspection Services Division of the sale or transfer of ownership of all rental dwellings within 30 days of the date of such transfer of ownership. The notification must include the name and mailing address of the new owner. The notification may be provided by telephone or in writing. When such notification is provided, all rental permits associated with the property will be transferred, without charge, into the new owner's name. When such notification is not provided, the new owner will be required to register the rental property as a new registration, and pay all associated fees as if the property was a new rental property.

Section 20.05.190 Application for rental permit

1. All owners, agents or operators of rental property must register all rental dwellings before offering them for rent, by paying the required registration fees to Inspection Services Division.

2. At the time of new or first registration, an initial inspection of the dwelling will be scheduled.

3. Following the initial inspection, if it is determined by the inspector that the dwelling meets minimum standards of this Code, a rental permit will be issued.

4. All rental permits expire on December 31st of each year.

5. Rental permits which are not renewed within 30 days of expiration, that is, by January 31st, will be revoked. Once revoked, the owner will be required to re-register the property as a new rental dwelling, and pay a penalty fee equal to the annual fee, that is, a double permit fee.

Section 20.05.200 Revocation of Rental Permit.

1. Whenever a notice of violation is issued, Inspection Services may give further notice in writing to the owner and to the tenant that, unless the provisions of the notice of violation are complied with within a reasonable time, the rental permit, if any, will be suspended. At the end of such period, the inspector will reinspect the premises, and if he or she finds that the provisions of the notice have not been complied with, he or she will give ten days notice in writing, that the rental permit is suspended. If the rental permit is suspended, the owner or operator must cease operating the premises on the date set out in the notice and no person may occupy the dwelling after that date.

Section 20.05.210 Emergency Inspections.

1. The manager or inspector has the right at any time to enter any building, and will be given prompt access to the building, upon request to the owner or person having charge or control of the building, for the purpose of making inspections or otherwise discharging their official duties. Whenever, in the judgment of the manager or inspector, the dwelling is found to be in such
defective condition that it presents a danger to the health, safety or welfare of the general public, the manager or inspector will take appropriate action to cause the removal of such defects and the dwelling to be made safe.

2. The right of entry is subject to the following conditions and limitations:
   a. In response to an emergency situation of an imminently hazardous life and/or property-threatening nature, the manager or inspector may enter the premises immediately upon presenting official identification to the owner or occupant;
   b. In response to all other complaints or conditions, the manager or inspector must request permission of the owner or occupant to enter. The request may be made at the time of the requested inspection or at a time prior to the inspection, at the mutual and reasonable convenience of both parties;
   c. In response to a refusal of the owner or occupant to give access to the manager or inspector, a search warrant must be obtained by the manager or inspector to authorize entry and inspection.

Section 20.05.220  Fees for inspections and reinspections.

1. There is no fee for the first inspection of a rental dwelling. There is no fee for the first reinspection made to verify that any deficiencies noted in the first inspection have been corrected. However, fees will be charged for all additional inspections which are required due to the owner's failure to correct any deficiencies noted in the first inspection. Fees for each additional reinspection after the first free reinspection will be charged according to the following schedule:
   - 2nd reinspection…………$45.00
   - 3rd and all subsequent reinspections……….$90.00 each

2. In the event that an owner or operator fails to appear at a scheduled inspection appointment, and fails to provide at least one prior working day's notice, and the inspector must then schedule an additional appointment, the owner will be charged a reinspection fee of $45.00.

3. In the event an inspector fails to appear at a scheduled inspection appointment, and fails to provide at least one working day's notice, this office will pay the owner or operator a reinspection fee of $45.00, upon the owner filing a written statement with this office, including the date, time and place of the appointment.

4. Owners will be issued written statements for these charges, and will be required to pay them within 30 days of receipt. If payment of such fees is not received, Inspection Services Division will process the matter as any other unpaid fee, by turning the account over to a collection agency. In addition, rental permits for the affected properties may be revoked, and $500 municipal infraction citations may be issued to the owner. Fees for all inspections other than those described above are $45.00 per inspection.

Section 20.05.230 Inspections.

1. Inspection Services Division will inspect all rental dwellings at a minimum of once in every four year period. Additional periodic inspections may be made of all rental dwellings which are not consistently maintained in compliance with minimum Code standards.

2. The Manager and Inspectors of Inspection Services Division will carry out the inspections required by this Code. A minimum of seventy-two hour advance notice will be given to the owner prior to any inspection other than an emergency inspection. Inspectors shall present proper credentials at the time of inspection.

3. Inspection Services Division may make inspections of rental dwellings at any reasonable time in response to a written complaint of an owner, tenant, or other concerned person. Prior to making such an inspection based upon a written complaint of a tenant or other concerned person, the inspector will provide at least 72 hour notification to the owner. Such notification may be in
writing or by telephone.

4. Whenever the Manager or Inspector determines that there is a Code deficiency or violation of this Code at any dwelling, a notice must be issued to the owner of the property. Such notice must conform to the following standards. It must:

a. Be in writing
b. Include the address of the dwelling
c. Include a description of the Code deficiency or violation
d. Include a description of the actions required to correct the Code deficiency or violation
e. Specify a reasonable amount of time for the actions to be completed
f. Include a description of the owner's right to appeal the notice, and the procedure for appeal
g. Include the issuing inspector's direct office phone number
h. Be served upon the owner personally, or by fax transmission, or bye-mail, or by regular mail, or by certified mail, as appropriate to the degree of public safety associated with the Code deficiencies or violations

Section 20.05.240 Reserved.

Section 20.05.250 Reserved.

Section 20.05.260 Reserved.

Section 20.05.270 Power and duties of manager.

1. General. The manager is authorized and directed to enforce all the provisions of this code.

2. The manager shall also be responsible for the enforcement of codes and ordinances pertaining to building, electrical, plumbing, heating and air-conditioning, steam power equipment, and such other ordinances as shall be assigned to him together with the necessary staff to enforce such ordinances and all other duties as may be required of him by any classification plan adopted by the city.

3. Reports and Records. The manager shall submit a report to the community development director not less than once a year, covering the work of the division during the preceding period. He shall incorporate in said report a summary of his recommendations as to desirable amendments to this code.

The manager shall keep a permanent and accurate account of all fees and other moneys collected and received under this code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

4. Inspections. The manager shall direct the inspection of all buildings to determine adherence to standards of construction, maintenance, and safety contained in the codes and ordinances as set forth in subsection 2 of this section. A search warrant is not required if the person in possession permits entry of the manager nor in an emergency situation involving an imminent threat of life or safety of persons within the building or members of the general public. In all other cases, a search warrant obtained and executed in accordance with state law is necessary to affect entry.

5. Stop Work Orders. Whenever any building or maintenance work is being done contrary to the provisions of this code, the manager may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done and any such persons must forthwith stop such work until authorized by the manager to proceed with the work.

6. Occupancy Violations. Whenever any structure is being used contrary to the provisions of this code, the manager 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 must discontinue the use within ten days after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this code.
In the event such use continues beyond that period or if the manager determines that such building or its use constitutes a public nuisance as defined in this code, then the provisions of the public nuisance chapter of this code shall apply.

7. Cooperation of Other Officials. The manager may request and will receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials of the city.

Section 20.05.280 Authority.
1. The manager or inspector is authorized, directed and empowered to inspect any and all dwellings within the city, to placard and order removed or repaired, any unsafe dwelling, for the purpose of prevention of fire and the preservation of safety of life and property.
2. The manager or inspector will notify, in writing, the owner, manager, landlord, tenant, or other responsible party, of inspection results and directions for compliance with the code. If all necessary changes or repairs are not completed within specified time limits contained in the written notice, the manager has the authority to utilize any other enforcement method authorized by this code to achieve compliance.

Section 20.05.290 Right of entry - dangerous conditions.
1. The manager or housing inspector shall have the right at any time to enter any building, and shall be given prompt access thereto upon application to the owner or person having charge or control, for the purpose of making inspections of the dwelling, or otherwise discharging their official duties.
2. If the manager or inspector finds that an emergency exists which requires immediate action to protect the public health or safety, he or she may issue an order reciting the existence of such emergency and requiring that such actions be taken as are necessary to meet the emergency. Such order may be issued verbally and in person, or by telephone. Such order shall be effective immediately. Any person to whom such an order is directed shall comply immediately, but may, after the emergency situation is properly controlled, appeal the order by following the procedure stated in this Code. After hearing such appeal, the designated hearing authority will uphold and validate the action taken and order issued, or modify it, or revoke it.

Section 20.05.300 Citations authorized.
1. The manager and housing inspectors are designated municipal code enforcement officers for the limited purpose of enforcing the provisions of this code which are made their responsibility to enforce. They may issue a citation charging a violation of any provision in this municipal code for which it is their responsibility to enforce and no other. The issuance procedure shall be as required by the laws of the state of Iowa. This section shall not be interpreted so as to require the issuance of a citation.

Section 20.05.310 Enforcement actions.
1. General. It is the duty of the manager of inspection services to enforce the provisions of this title.
2. Specific actions.
   a. Municipal infraction. The doing of any act prohibited or declared to be unlawful, or an offense or a misdemeanor by this code or any ordinance or code herein adopted by reference, or failure to perform any act required by this code or any ordinance or code herein adopted by reference, is a municipal infraction and is punishable by a civil penalty as provided in section 1.04.100 of the municipal code.
   b. Misdemeanor. Subsection a. notwithstanding, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by this title or any ordinance or code herein adopted
by reference, or failure to perform any act required by this title or any ordinance or code herein adopted by reference, may be charged as a misdemeanor by a peace officer and, upon conviction, shall be punishable as provided in section 1.04.100 of the municipal code. However, no person shall be charged with a municipal infraction and a misdemeanor for the same offense.

c. Nuisance Abatement. Any building erected, raised, converted, or land or premises used in violation of any of the provisions of this title or the requirements thereof, is declared to be a common nuisance and such common nuisance may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

3. These penalties or any others shall not be exclusive so as to restrict the right of the duly authorized persons to make or order any cancellation or suspension of any license or permit herein authorized.

4. Whenever a notice of violation is issued, Inspection Services may give further notice that if compliance with the Code is not obtained within the specified time limits, the rental permit will be revoked. At the end of such period, the inspector will reinspect the premises, and if it is found that the deficiencies or violations described in the notice have not been corrected, the inspector shall give the owner written notice that the rental permit is revoked. If the rental permit is revoked, the owner or operator must cease operating the premises on the date set out in the written notice. If the dwelling is found to be occupied after the date specified in the written notice, the dwelling will be placarded and declared unsafe for occupancy, the water, electricity and gas utilities to the dwelling will be discontinued, and the owner will be issued a Municipal Infraction Citation. Upon correction of all deficiencies and payment of all fees for inspections and all other services and costs expended by the City in the process of achieving compliance, the resumption of water, electricity and gas utility services will be authorized by the manager.

Section 20.05.320 Appeals.

1. Any person, firm or corporation having any ownership or equitable interest in a property affected by a notice or order issued by the manager or inspectors may request a hearing to appeal such notice or order and will, upon compliance with the procedures set forth in this chapter, be granted such hearing. In any appeal, the scope of review shall be limited to:
   a. the interpretation of particular ordinance or code provisions;
   b. the factual circumstances of the particular case, and
   c. the application of particular code provisions to the particular case.

2. The reasonableness of the exercise of any discretionary function, including the choice of a code enforcement remedy or technique in a particular case, is not subject to review under this chapter, unless the manager or the appropriate board agrees to hear an appeal upon such grounds.

Section 20.05.330 Procedure on appeal.

1. Appeal to the Manager.
   a. Any person, firm, or corporation desiring to appeal a notice or order issued by the manager or his representative shall file in the office of the manager a written petition requesting such hearing and setting forth a statement of the grounds therefor. Such petition shall be filed in the office of the manager on or before the date upon which the notice or order is effective or is to be complied with, or within ten days after the day upon which such notice or order was received, whichever period is less. Within ten days of receipt of such petition, the manager shall set a time and place for hearing on said appeal and shall give the petitioner, the inspectors involved, the appropriate board and all interested parties notice thereof. At such hearing the petitioner, involved inspectors and all interested parties shall be given an opportunity to be heard and to show cause why such notice or order appealed from should be sustained, modified or withdrawn. The hearing before the manager shall be commenced not later than thirty days after the date on which the petition was filed; provided, that upon written application of the petitioner, the manager may postpone the date of hearing for a reasonable time beyond such thirty-day period if,
in his judgment, the petitioner has submitted a good and sufficient reason for such postponement. Any notice served pursuant to this title shall automatically become an order if a written petition for a hearing is not filed in the office of the manager within ten days after such notice is served. Any permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the manager within ten days after such notice is served. The manager shall have the power to administer oaths and affirmations in connection with the conducting of any hearing held in accordance with the provisions of this title.

b. After such hearing, and within two working days, the manager shall sustain, modify or withdraw the notice or order appealed from, upon his findings. The manager may also modify any notice or order so as to authorize a variance from the provisions of this title when, because of special conditions, a literal enforcement of the provisions of this title will result in practical difficulty or unnecessary hardship; provided, that the spirit of this title will be observed, public health and welfare secured, and substantial justice done. If the manager sustains or modifies a notice, it shall be deemed to be an order, and the owner, operator or occupant, as the case may require, shall comply with all provisions of such order within a reasonable period of time, as determined by the manager.

After a hearing before the manager in the case of any notice suspending any permit required by this title when such notice has been sustained by the manager, the permit shall be deemed to have been revoked unless further appeal action is filed. The determination and disposition of an appeal made by the manager shall be summarized, reduced to writing and entered as a matter of public record in the office of the manager. The manager shall notify all appealing parties of his determination and disposition of the appeal by written notice and/or order sent by certified mail.

2. Further Appeal to Building Code Board of Appeals.

a. Any party who, after having appealed a notice or order to the manager, is aggrieved by the manager's determination or disposition of such appeal, may further appeal the manager's determination or disposition of the case to the Building Code Board of Appeals.

b. The scope of the appeal to such board shall be the same as in the case of the initial appeal to the manager.

c. Any dissatisfied party shall, within ten days after receipt of the manager's written determination and/or disposition of the appeal, file in the office of the manager a written petition requesting further appeal to the board and setting forth a statement of the grounds therefor. The manager shall immediately forward such petition to the chairperson or secretary of the board.

d. Within ten days of receipt of such petition, the board's secretary shall set a time and place for hearing on said appeal and shall give the petitioner, involved inspectors and all interested parties notice thereof. At such hearing, the petitioner, involved inspectors and all interested parties shall be given an opportunity to be heard and to show cause why such notice or order should be sustained, modified or withdrawn. The hearing before the board shall be commenced not later than thirty days after the date on which the petition was filed; provided, that upon written application of the petitioner, the board may postpone the date of hearing for a reasonable time beyond such thirty-day period if, in their judgment, the petitioner has submitted a good and sufficient reason for such postponement. The chairperson of the board shall have the power to administer oaths and affirmations in connection with the conducting of any hearing held in accordance with the provisions of this title.

e. After such hearing, the board shall sustain, modify or withdraw the notice or decision made by the manager, depending upon their findings. The board may also modify any notice or order so as to authorize a variance from the provisions of this title when, because of special conditions, a literal enforcement of the provisions of this title will result in practical difficulty or unnecessary hardship; provided, that the spirit of this title will be observed, public health and welfare secured, and substantial justice done. If the board sustains or modifies a notice, it shall be deemed to be an order, and the owner, operator or occupant, as the case may require, shall comply with all provisions of such order within a reasonable period of time, as determined by the board. After a hearing before the board in the case of any notice suspending any permit required by this chapter,
when such notice has been sustained by the board, the permit shall be deemed to have been revoked. The determination and disposition of an appeal made by the board shall be summarized, reduced to writing, and entered as a matter of public record in the office of the manager. The secretary of the board shall notify all appealing parties of the board's determination and disposition of the appeal by written notice.

f. Any citizen aggrieved with a decision of the Building Code Board of Appeals may appeal to any court of appropriate jurisdiction.

Section 20.05.340 Reserved.

Section 20.05.350 Effect of appeal upon notice or order.
No party filing an appeal with the manager or the board upon a notice or order shall be entitled to a stay of the effective date or date of required compliance as set forth in such notice or order, unless the manager or the board in its discretion grants such stay.

Section 20.05.360 Judicial review - Exhaustion of remedies.
With regard to any appeal granted pursuant to this chapter, the appealing party shall be deemed to have exhausted his administrative remedies under this title only after having pursued his appeal with both the manager and the appropriate board. Any appealing party who, having exhausted his administrative remedies pursuant to the foregoing, is aggrieved by the final determination and disposition of his appeal by the board, may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the state.

Section 20.05.370 Building Code Board of Appeals.
1. Building Code Board of Appeals. The role of the Board shall be:
   a. To advise the council in all matters relevant to the safe and appropriate construction, installation, repair and maintenance of all buildings and dwellings on all premises throughout the community which are within the city's lawful jurisdiction;
   b. To review the existing city Building and Housing Codes periodically and recommend improvements that are, in their best judgment, appropriate to ensure the general public safety;
   c. To review the facts regarding any valid complaint filed by a citizen regarding any alleged professional misconduct of any homebuilder, remodel and repair contractor, or general contractor and, if evidence is presented which substantiates the allegations, to subject the contractor to disciplinary action commensurate with the misconduct. Such action is intended to range from a formal letter of censure to recommendation of legal prosecution.
   d. To hear any citizen who is aggrieved by any rule of the code, any action or interpretation made by the manager of inspection services. The board, consistent with the provisions of this ordinance and the duly adopted Building and Housing Codes, may uphold, modify or negate any such action or interpretation.
2. Composition of the Building Code Board of Appeals. The board consists of six persons who hold no office or employment for the City of Sioux City and meet the criteria defined below. The board shall be appointed by the city council from a list of applicants maintained by the city clerk and shall serve for a term of four years. Appointments to fill any unexpired terms will be for the remainder of such term. No person shall serve more than two consecutive full terms on the board; however, should the city council determine that no other qualified or willing person is available; the council may reappoint a board member for more than two consecutive full terms.
   a. One member shall be a licensed architect, registered in the State of Iowa;
   b. One member shall be a licensed structural engineer, registered in the State of Iowa;
   c. One member shall be a landlord owner of more than one rental dwelling in the city
   d. One member shall be a homebuilder engaged primarily in the business of new home construction.
e. Two members shall be citizens-at-large having no financial interest in the housing or construction industries.

Four members of the board will constitute a quorum for the transaction of business. The manager of inspection services division shall designate a person, other than an inspector, to serve as an ex officio member of the board having no vote. The ex officio member shall serve as secretary to the board and shall keep minutes and records of all proceedings of the board, a copy of which shall be on file in the inspection services division within ten days after the meeting. The members shall serve without compensation. The city council shall provide suitable space in which the board may hold its meetings. The Building Code Board shall annually elect one of its members as chair of the board. The chair shall preside at all meetings of the board.

3. Removal. Any appointed member may be removed from office by a majority vote of the City Council.