

ORDINANCE NO. 01-O-2018-2019

ORDINANCE AMENDING CHAPTER 5-8 OF TITLE V OF THE CITY CODE OF THE CITY OF STORM LAKE, IOWA, TITLED "HOUSING CODE," TO REVISE REQUIREMENTS RELATING TO THE INSPECTION OF RESIDENTIAL RENTAL UNITS

WHEREAS, the City Council of the City of Storm Lake, Iowa, has determined that Chapter 5-8 of Title V of the City Code of the City of Storm Lake, Iowa should be amended to revise some requirements relating to the City's inspection of residential rental units;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Storm Lake, Iowa, as follows:

Section 1. Chapter 5-8 of Title V of the City Code of the City of Storm Lake, Iowa, is hereby amended as follows:

a. Section 5-8-9, captioned, "REGISTRATION; REGISTRATION FEES," is deleted and, in lieu thereof, the following new Section 5-8-9, captioned "REGISTRATION; REGISTRATION FEES," is inserted:

Section 5-8-9 REGISTRATION; REGISTRATION FEES

The owner or owners of each residential unit held out for rental to the public shall register that rental unit and their ownership thereof with the City by filling out a form approved by the City Manager. Such registration shall be done annually during the period July 1 of each fiscal year through and including August 31 of such fiscal year. 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. Owners shall pay a registration fee in an amount fixed from time to time by resolution of the City Council of Storm Lake, Iowa. The owner or owners shall pay an additional late registration fee in an amount fixed from time to time by resolution of the City Council of Storm Lake, Iowa for any rental unit which is not registered within the time frame set forth above. If a rental unit is registered for the fiscal year July 1 to June 30 of the following year and it is sold or conveyed to a new owner during the fiscal year, the old owner shall notify the City Clerk of the change of ownership. The City shall not assess a fee for recording a change of ownership.

The owner or the owner's designated manager shall attend a training session for rental unit owners given by the City within twelve (12) months of the first registration of a rental unit or units by the owner of such unit or units in the City of Storm Lake, Iowa. The housing inspectors providing such training shall provide persons attending such training with a certificate which documents their

attendance.

The City Housing Inspector is hereby authorized to schedule such inspections of the rental units as are required to ensure compliance and shall attempt to work with the owner or owners to find a mutually agreeable time during business hours to make the inspection. At the time scheduled for the inspection, the owner or owners 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 they may designate. If the inspector arrives at the time scheduled and no person is available to show the premises to him, the owner or owners shall pay a "no show" fee in an amount fixed from time to time by resolution of the City Council of Storm Lake, Iowa and the inspection shall be rescheduled for the earliest appropriate time.

If the housing inspector discovers conditions not in compliance with the housing code, the inspector shall so notify the owner or owners and shall set a date by which the violations shall be brought into compliance. The amount of time allowed by the 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 in which the violation must be brought into compliance, the housing inspector shall reinspect the premises to determine compliance. A fee in an amount fixed from time to time by resolution of the City Council of Storm Lake, Iowa shall be charged for the first reinspection and all additional reinspections which are required because of an owner's failure to bring a unit into compliance following the housing inspector's initial notification to the owner of conditions that are not in compliance with the housing code.

The owner or the owner's designated manager shall inspect all required smoke detectors in his rental unit or units between July 1 and July 31 at the beginning of each fiscal year ending June 30 and again between January 1 and January 31 of the same fiscal year. The owner or the owner's designated manager shall ensure that all such smoke detectors are installed and working properly. Within ten days of each period allowed by this ordinance for the required inspection of smoke detectors, the owner or the owner's designated manager shall submit a written certification to the City Clerk, on a form prescribed by the City of Storm Lake, Iowa, in which the owner or the owner's designated manager certifies that, at the time of the inspection, all smoke detectors required by the housing code were properly installed in the locations required by such code and that all such smoke detectors were working properly. Compliance with this smoke detector inspection requirement by an owner shall be one factor that the housing inspector may consider in determining the frequency of inspections by the housing inspector of any unit owned by the owner.

b. Section 5-8-11 captioned, "MUNICIPAL INFRACTION," is deleted and, in lieu thereof, the following new Section 5-8-11, captioned "MUNICIPAL INFRACTION," is inserted:

Section 5-8-11 MUNICIPAL INFRACTION

Violation of any of the requirements set forth in this Chapter shall constitute a municipal infraction. Normally, if the Housing Inspector/Building Official discovers deficiencies that require correction, a municipal infraction will not be filed unless the owner fails to correct the deficiencies within the time allowed but they may, if circumstances warrant, file a municipal infraction upon initial discovery of a violation.

In addition, any person who knowingly makes a false statement in a certification required under Section 5-8-9 with respect to smoke detectors commits a municipal infraction and shall be subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

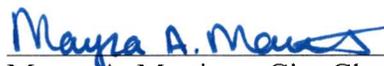
Section 3. This ordinance shall be in effect September 1, 2018, following its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 16th day of July, 2018.



Michael Porsch, Mayor

ATTEST:



Mayra A. Martinez, City Clerk