

City of Newton
Code of Ordinance Title 3
Environmental and Health
Chapter 21 Newton Rental
Housing Program

Attachment A

Code of Ordinances
Title 3, Environmental and Health
Chapter 21, Minimum Rental Housing Code

21.0101 Purpose. The purpose of this article is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use, occupancy and maintenance of all residential rental buildings and related structures within the city.

21.0102 Scope. The provisions of this article shall apply to all buildings or portions thereof within the jurisdiction of the city which are non-owner occupied and which are used or intended to be used for human occupancy. Except as otherwise provided in this article, such occupancy in existing buildings may be continued as provided in the International Residential code, Section R -102.7, as adopted by the city. Additionally, all accessory buildings or structures are hereby subject to all applicable sections regarding health, safety and maintenance thereof, as contained in the city building code.

21.0102.1 Exception: A non-owner occupied single family home, maybe considered a non-rental dwelling and not subject to the minimum rental housing code if the following conditions exist:

Only direct family members of the property owner(s) live on the property. Direct family members for purposes of this Code section shall mean the property owner's spouse, parent, child, stepchild, father-in-law, mother-in-law, daughter-in-law, and son-in-law. Final approval shall be the decision of the fire chief or designee. The property cannot be used to generate any type of rental income for this exception.

21.0103 Title. The regulations set out in the article, together with the International Residential Code for One and Two Family Dwelling, The International Building Code and the International Fire Code current additions the City of Newton has adopted shall be known as the "Newton Minimum Rental Housing Code," and may be cited as such. To the extent any of the provisions of the codes are inconsistent with the provisions of this article, then the provisions of this article shall apply, and the conflicting provisions of such other codes shall not apply to this article.

21.0104 Definitions. For the purpose of this article, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined they shall have ordinary accepted meanings within the context in which they are used. Whenever the words "dwelling," "dwelling unit," "boardinghouse," "rooming house," or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

21.0104.1 Acceptable or approved means in compliance with the provisions of this article.

- 21.0104.2** **Accessory structure** means a structure which is not used or intended to be used for living or sleeping by human occupants.
- 21.0104.3** **Appurtenance** means that which is directly or indirectly connected or accessory to some other structure.
- 21.0104.4** **Basement** means any enclosed areas of a building, which has its floor or lowest level below ground level (subgrade) on all sides
- 21.0104.5** **Bath** means a bathtub or shower stall connected with hot and cold waterlines.
- 21.0104.6** **Boardinghouse** means a building other than a hotel or other overnight lodging facility where, for compensation, lodging and meals are provided by the building owners or managers for residential boarders with meals for all resident boarders provided in the central kitchen facility within said building. Said boarding facility shall be distinctive from transient lodging facilities such as hotels, beds and breakfasts, other overnight lodging facilities or public eateries. Residents within said boardinghouse facility shall be accommodated with weekly, monthly or yearly tenant agreements or leases.
- 21.0104.7** **Communal** means used or shared by or intended to used or shared by the occupants of two or more rooming units or two or more dwelling units.
- 21.0104.8** **Condominium** means a dwelling unit which is in compliance with the requirements of I.C.A. Ch. 499B, as amended. (*I.C.A – Iowa Administrative Code*)
- 21.0104.9** **Cooperative** means a dwelling unit which is compliance with the requirements of I.C.A. Ch. 499B as amended. (*I.C.A – Iowa Administrative Code*)
- 21.0104.10** **Court** means an open unoccupied space which is more than 50 percent enclosed by buildings.
- 21.0104.11** **Dining room** means a habitable room used or intended to be used for the purpose of eating, but not for cooking or the preparation of meals.
- 21.0104.12** **Dwelling** means any building which is wholly or partially used or intended to be used for living or sleeping by human occupants.
- 21.0104.13** **Dwelling unit** means any habitable building, room, or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking or eating meals. An efficiency unit falls under this definition.
- 21.0104.14** **Extermination** means the control and elimination of insects, rodents, or other pests by eliminating the harborage places, by removing or making inaccessible

materials that may serve as their food, by poisoning, spraying, fumigating or trapping or by any other recognized and legal pest elimination methods approved by the inspector.

21.0104.15 **Family** means one or more persons occupying a single dwelling unit. No such family shall contain more than four persons, unless all such persons are related by either blood, marriage or adoption.

21.0104.16 **Garbage** means animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food, and shall also mean combustible waste material in accordance with the City of Newton Burning Regulations.

21.0104.17 **Habitable room** means a room or enclosed space having a minimum of 70 square feet of total floor area within a dwelling unit or rooming unit used or intended to be used for living, sleeping, cooking and eating purposes, excluding bathrooms, toilet rooms, pantries, laundries, foyers corridors, closets, storage spaces and stairways.

21.0104.18 **Infestation** means the presence, within or around a dwelling, of any insects, rodents, or other pests in such quantities as would be considered unsanitary.

21.0104.19 **Inspection initial** means a periodic inspection of a dwelling unit conducted to determine compliance with the provisions of this chapter, whether initiated by the inspector or by written complaint.

21.0104.20 **Inspection, follow-up** means one of a number of re-inspections of a dwelling unit following an initial inspection, designed to determine and achieve compliance with deficiencies noted in the initial and any other follow-up inspection.

21.0104.21 **Inspector** means the official of the city delegated the responsibility to administer the provisions of this article, together with his/her duly authorized representatives or agents.

21.0104.22 **Kitchen** means a habitable room used or intended to be used for cooking and the preparation of meals.

21.0104.23 **Lavatory** means a hand washing basin which is connected to both hot and cold water lines, which is separate and distinct from the kitchen sink.

21.0104.24 **Minimum rental housing occupancy permit** (Rental Housing Permit) means a document issued by the city evidencing authority to occupy a dwelling unit.

21.0104.25 **Multiple dwelling** means any dwelling containing more than two (2) dwelling units.

21.0104.26 **Occupant** means any person over one year (1) of age living, sleeping, cooking, eating in or having actual possession of dwelling, dwelling unit or rooming unit.

21.0104.27 **Operation** means any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.

21.0104.28 **Owner** means any person who, alone or jointly or severally with others: Shall have legal title to any dwelling unit, with or without accompanying actual possession thereof; or shall have charge care or control of any dwelling or dwelling unit , as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if the representative were the owner.

21.0104.29 **Person** means and includes any individual, firm, corporation, association or partnership.

21.0104.30 **Plumbing** means and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units waste pipes, water closets sinks, dishwashers, lavatories, bathtubs, shower baths, clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections and to water sewer or gas lines.

21.0104.31 **Premises** mean a lot, plot or parcel of land, including all buildings thereon.

21.0104.32 **Refuse** means waste material, except human waste, including garbage, rubbish, ashes and dead animals.

21.0104.33 **Roomer** means an occupant of a rooming house or rooming unit, and shall also mean an occupant of a dwelling who is not a member of the family occupying the dwelling.

21.0104.35 **Rooming house** means an owner-occupied or manager-occupied single dwelling unit wherein individual sleeping rooms are provided to not less than three unrelated resident tenants. Each rooming unit within the rooming house shall have a bath and toilet facilities available for exclusive use by the occupant. Not more than one kitchen facility shall be established within said structure wherein meals may be prepared by resident tenants. Said rooming facility shall be distinctive from transient lodging facilities such as hotels, beds and breakfast, other overnight lodging facilities or public eateries. Residents within said rooming house facility shall be accommodated with weekly, monthly or yearly tenant agreements or leases.

21.0104.36 **Rooming unit** means any habitable room or group of adjoining rooms located within a dwelling and forming a single unit, with facilities which are

intended to be used primarily for living and sleeping. A rooming unit shall have a bath and toilet facilities available for exclusive use by the occupant.

21.0104.37 **Rubbish** means inorganic waste material consisting of primarily noncombustible materials.

21.0104.38 **Single-family dwelling** means structure containing one dwelling unit.

21.0105 **Violation of Article** Any person violating any provision of this chapter shall be deemed guilty of a municipal infraction and upon conviction thereof, shall be subject to civil penalty set by the City of Newton.

21.0105.1 **Violation in general.** Any person who violates any provision of this chapter other than [section 21.0304\(a\)](#) and [section 21.0403\(b\)\(3\)](#) shall be deemed guilty of a municipal infraction and, upon conviction thereof, shall be subject to civil penalty plus court cost and for such other relief as provided in [section 1.0109](#) of this code, unless another penalty is expressly provided for such violation by this article.

21.0105.2 **Violations** of [section 21.0304\(a\)](#) and [section 21.0403\(b\)\(3\)](#). Any person who violates [section 21.0304\(a\)](#) or [section 21.0403\(b\)\(3\)](#) shall be deemed guilty of a municipal infraction and, upon conviction thereof, shall be subject to the following civil penalties, plus court costs and for such other relief as is provide in [section 1.0109\(2\)](#) of this code:

21.0201 **Authority of inspector and code enforcement officer.** The inspector is hereby authorized and directed to enforce all of the provisions of this article. For such purposes, the inspector shall have the authority of the law enforcement officer. Any code enforcement employee of the City of Newton is authorized and directed to enforce all of the provisions of this article.

21.0202 **Right of entry.** Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the inspector has reasonable cause to believe that there exists in any building or upon any premises any condition or violation of this article which makes such building or premises unsafe, dangerous or hazardous, the inspector may enter such building or premises at all reasonable times to inspect the building or premises or perform any duty imposed upon the inspector by this article; provided that if such building or premises is occupied the inspector shall first present proper credentials and request entry, and if such building or premises is unoccupied he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the inspector shall have recourse to every remedy provided by law to secure entry.

21.0301 **Building permit required.** It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any

building or structure regulated by this article without first obtaining a separate permit for each building or structure from the City of Newton.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the International Residential Code, or to cause any such work to be done, shall first make an application to the City of Newton and obtain the required permit.

21.0302. Permit fees. Whenever a building permit is required by this article, the appropriate fees shall be paid to the City of Newton at the rate established by the city council.

21.0303. Inspections. All buildings or structures within the scope of this article and all construction or work which a permit is required shall be subject to inspection by the building official in accordance with an in the manner provided by this article and Section R105 Permits and Section R106 Construction Documents of the International Residential Code.

21.0304 Minimum Housing Occupancy permit.

21.0304.1 Application for occupancy permit. Before allowing a dwelling unit to be occupied, every owner shall apply for and obtain a Minimum Rental Housing Occupancy Permit from the City for such dwelling unit. Each owner shall take all steps required by this chapter to keep the occupancy permit valid and in effect at all times.

21.0304.2 Issuance of occupancy permit. When the owner has complied with all requirements of this chapter relating to a dwelling unit, and has paid all fees required by this chapter, the inspector shall issue a Minimum Rental Housing Occupancy Permit to the owner for such dwelling unit.

21.0304.3 Expiration of occupancy permit. An occupancy permit for a dwelling unit issued under subsection [21.0304 \(b\)](#) of this section shall be valid until the next initial inspection of the dwelling unit has been conducted as provided in the article, at which time such occupancy permit shall expire. No new occupancy permit shall be issued with respect to such dwelling unit until the owner has complied with all requirements of subsection (b) of this section, provided, however, that the inspector may grant the owner a temporary occupancy permit under subsection [21.0304 \(g\)\(2\)](#) of this section, in order to afford the owner an opportunity to bring the dwelling unit into compliance with the requirements of this chapter.

21.0304.4 Location of occupancy permit. The owner shall cause the occupancy permit to be placed in each unit where it is readily available for examination by prospective tenants, tenants, and the inspector at all times. If the permit is not available for examination during any inspection, the owner shall be required to

immediately replace such permit at the owner's expense. Replacement cost of permit shall be set by City Council Resolution.

21.0304.5 Contents of the occupancy permit. The occupancy permit shall contain the following information; the property address of the dwelling unit; the unit number of the dwelling unit; the owner's name, address and telephone number; the name and address and telephone number of the owner's agent, if the owner is not a resident of Jasper County, Iowa; the maximum occupancy of the dwelling unit, not to exceed four persons, unless all such persons are related by either blood, marriage or adoption. ; the date of issuance of the occupancy permit; and the expiration date of the occupancy permit, if the permit is a temporary occupancy permit issued under subsection (g) of this section.

21.0304.6 Inspection prior to issuance of occupancy permit. Except as provided in subsection **21.0304 (g)(1)** of this section, prior to the issuance of an occupancy permit for any dwelling unit, the inspector shall inspect the dwelling unit to assure that it complies in all respect with all codes made applicable to dwelling units by the provisions of this chapter. No minimum rental housing occupancy permit shall be issued until all such requirements have been complied with, and all inspection, registration and other fees have been paid.

21.0304.7 Temporary occupancy permit. Notwithstanding the provisions of subsections **21.0304(b), (c) and (f)** of this section, the inspector may, but is not required to, issue a temporary occupancy permit under either of the following circumstances;

21.0304.7(A) Reasonable time to inspect If the inspector determines that it is impractical to inspect a dwelling unit within a reasonable time after an owner makes application for occupancy permit. In such case, the inspector may issue a temporary occupancy permit which shall be valid for the minimum reasonable period of time which the inspector determines is needed in order to complete the inspection of the dwelling unit; or

21.0304.7(B) Previously issued permit If an occupancy permit previously issued with respect to a dwelling unit has expired under subsection **21.0304 (c)** of this section, by reason of the next initial inspection of the dwelling unit having been conducted, and if the dwelling unit does not then comply with all of the requirements of this chapter. In such case, the inspector may, but is not required to; issue a temporary occupancy permit for the minimum reasonable period of time which the inspector determines is needed by the owner to bring the dwelling unit into compliance with all of the requirements of this chapter.

In either case, the expiration date of the temporary occupancy permit shall be stated on the face of the permit.

21.0305. Inspections of dwelling units. An initial inspection of every dwelling unit shall be conducted at the time the permit is issued and then no less than

every two years, computed from the date of the previous most recent initial inspection of the dwelling unit. An initial inspection of a dwelling unit may also be conducted either at the request of a tenant of the dwelling unit, or if the inspector receives a written complaint which, if verified, would establish a violation of any provision of this chapter. Upon compliance with all requirements noted in the initial inspection report, and upon payment of all necessary fees, the inspector shall issue a minimum rental housing occupancy permit with respect to such dwelling unit.

21.0306. Annual Permit of dwelling units.

21.0306.1 Permit fee. Every owner shall apply for and pay a permit fee for each dwelling unit. A validation seal shall be issued upon the receipt of the permit fee which the owner shall cause to be placed on the occupancy permit as proof of registration. The permit fee shall be determined as provided in section 21.0307.

21.0306.2 Posting of permit. The owner shall cause the current validation seal to be placed on the occupancy permit in each unit where it is readily available for review by prospective tenants, tenants, and the inspector at all times. Permit shall be posted inside the front door or main entry of the dwelling.

21.0307. Fee schedule. All initial inspection fees, follow-up inspection fees, registration fees, and any other fees or penalty assessed pursuant to the provisions of this chapter shall be in such amounts as are set annually by resolution of the city council. All such fees shall be published in a fee schedule which shall be kept on file at the office of the city clerk, and made available for distribution to the public at no cost.

21.0308 Effect of issuance of occupancy permit The issuance of a Minimum Rental Housing Occupancy Permit for a dwelling unit shall not be construed to mean that the dwelling unit complies with the provisions of this article or with any of the provisions of any other chapters of this Code, including, but not limited to, City of Newton Zoning. After issuance of a minimum rental housing occupancy permit for a dwelling unit, if it is determined that the dwelling unit, or the structure of which the dwelling unit is a part, fails to comply with any of the provisions of this article, the inspector is authorized and directed to require the owner to bring said dwelling unit or structure into compliance with all of the provisions of this article.

21.0401. Sanitary requirements.

21.0401.1 Performance requirements. The dwelling unit shall include its own sanitary facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste

21.0401.1(A) Toilets and lavatory basins. At least one toilet and one lavatory basin shall be supplied for each four persons or fraction thereof residing within a dwelling containing a rooming unit, including members of the operator's family

whenever they share such facilities, unless more restrictive code provisions apply to a dwelling, in which case the more stringent requirements shall govern.

21.0401.1(B) Baths. At least one bath shall be supplied for each four persons or fraction thereof residing with a dwelling containing a rooming unit, including members of the operator's family whenever they share such facilities.

21.0401.1(C) Kitchens. An approved kitchen sink with hot and cold running water shall be supplied, with adequate space for the storage and preparation of food.

21.0401.2 Structural requirements.

21.0401.2(A) Connection to water and sewer system. Every kitchen sink, toilet, lavatory basin and bath shall be properly connected to an approved water and sewer system as provided for in the applicable city regulations.

21.0401.2(B) Separation of bathroom facilities and from other rooms. Every toilet, bath and lavatory basin and bath shall be contained within a room which will afford privacy to the user, and shall be separated from a food preparation area by a tight fitting door; except that the lavatory may be immediately adjacent to the toilet room.

21.0401.2(C) Communal toilets and baths. Communal toilets and baths shall be located on the same floor or the floor immediately above or below the rooming unit.

21.0401.2(D) Communal kitchen. If a communal kitchen is supplied, it shall comply with the following requirements:

21.0401.2(D)(1) Floor area The minimum floor area of communal kitchens shall be 70 square feet.

21.0401.2(D)(2) Floor area/dining In communal kitchens which permits roomers to prepare and eat meals shall be a minimum of 100 square feet.

21.0401.2(D)(3) Kitchen The kitchen shall contain adequate food storage capacity, an approved sink and a stove or range.

21.0401.2(D)(4) Kitchen Storage The kitchen shall include at least one cabinet of adequate size suitable for the storage of food, and eating and cooking utensils.

21.0401.2(D)(5) Table/chairs The kitchen shall contain a table and adequate chairs for the normal use of the facilities if a communal dining room is not supplied

21.0401.2(D)(6) Kitchen accessibility Every communal kitchen shall be located within a room accessible to the occupants of each rooming unit sharing the use of such kitchen without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.

21.0401.2(E) Communal dining rooms. Every dwelling within which the occupant is permitted to prepare meals or cook within a communal kitchen containing less than 100 square feet of floor area shall contain a communal dining room which complies with the following requirements:

21.0401.2(E)(1) Every communal dining room shall be located on the same floor as the communal kitchen and located as nearly adjacent to the communal kitchen as is practicable,

21.0401.2(E)(2) Accessibility to the communal dining room by occupant shall be the same as requirements for communal kitchens.

21.0401.2(E)(3) The communal dining room shall contain a table and adequate chairs for the normal use of the facilities,

21.0401.2(E)(4) The communal dining room shall contain not less than 70 square feet of floor area.

21.0401.3 Acceptability criteria. All sanitary units should be fully functional and in proper operating condition, shall be free from leaks and mineral buildup, and shall be clean to normally accepted household cleanliness standards. Drainage shall be complete in lavatories and sinks, and all units must meet the requirements of the city plumbing code.

21.0402 Food preparation; garbage disposal

21.0402.1 Performance requirements. The dwelling unit shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and garbage, including facilities for temporary storage where necessary.

21.0402.2 Structural requirements. Structural requirements for food preparation and garbage disposal facilities shall be as provided in section 21.0401 pertaining to sanitary requirements.

21.0402.3 Acceptability criteria. Refrigerators, cooking stoves or ranges and other food preparation equipment shall be in proper operating order. Areas shall be clean to normally acceptable household cleanliness standards. Temporary and permanent garbage receptacles shall be free of leaks, shall be covered, and should not show buildup of deposits due to lack of cleaning. If plastic bags are used for garbage disposal, they should be placed in a container indoors. Full bags should be placed in a holding area other than the food preparation area.

21.0403 Space and security.

21.0403.1 Performance requirements. The dwelling shall afford the residents adequate space and security.

21.0403.2 Structural requirements.

21.0403(A) Permissible Occupancy. Floor area per occupant for efficiency units. Every efficiency unit shall contain at least 220 square feet of floor space for the

first occupant and at least 100 additional square feet of floor space for every additional occupant. In determining the maximum permissible occupancy, the floor area of that part of a room where the ceiling height is less than five feet and shall not be considered when computing the total floor area of the room.

21.0403(B) Floor area per occupant for sleeping rooms. In every dwelling unit of two or more rooms and every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space and every room occupied for sleeping purposes by more than one occupant shall contain at least 40 square feet of floor space for each occupant.

21.0403(C) Maximum occupancy. Not more than one family or no more than four unrelated person shall occupy a dwelling unit, except for guests, and except for domestic or household employees.

21.0403(D) Ceiling heights. The ceiling height in every habitable room shall be at least seven feet. Obstructions of space by such items as water and gas pipes, cabinetry, etc., shall be permitted when such obstructions are located in such a fashion that they do not interfere with normal or emergency ingress or egress and are approved by the inspector, In no event may an obstruction be located nearer than six feet four inches to the floor,

21.0403(E) Acceptable criteria. The dwelling shall conform to subsection (b) of this section, pertaining to structural requirements. Sleeping areas should have doors latchable or lockable from within for privacy and safety. Latches or locks should be of the type to permit swift emergency exit in accordance with the International Fire Code.

21.0404 Access.

21.0404.1 Performance requirements. Access to each dwelling unit or rooming unit shall not require first entering any other dwelling unit or rooming unit, except that access to rooming units may be through a living room or kitchen of a unit occupied by the owner or operator of the structure.

21.0404.2 Structural requirements. No dwelling, dwelling unit or rooming unit containing two or more sleeping rooms shall have such arrangements that access to a bathroom or water closet compartment intended for use by the occupant of more than one sleeping room can be gained only by going through another sleeping room.

21.0404.3 Acceptability criteria. The dwelling unit shall be usable and capable of being maintained without unauthorized use of other private properties. Further requirements are contained in section 21.0407, pertaining to exits.

21.0405 Lighting in public halls and stairways.

21.0405.1 Performance requirements. Public passageways and stairways in dwellings accommodating two or more dwelling units or rooming units shall be provided with a convenient wall-mounted light switch which activates an adequate lighting system.

21.0405.2 Structural requirements. Switches shall be placed both at the top and bottom of stairwells, and must be of the types which meet the electrical code of the city.

21.0405.3 Acceptability criteria. Acceptability criteria shall be the requirements set out in subsections 21.0405.1 and 21.0405.2 of this section.

21.0406 Fire safety. Performance requirements. All rental housing shall be provided with fire protection equipment as follows:

21.0406.1 Fire extinguishers. All dwelling units with three or more dwelling units shall be provided with a sufficient number of fire extinguishers which are approved by the fire marshal. Fire extinguishers shall be properly mounted and accessible to all occupants. Fire extinguishers shall comply with National Fire Protection Association, Standard 10. Minimum size shall be 2A 10B C (5 Pound). Fire extinguishers shall be equipped with a sight gauge to indicate pressure and shall be maintained in accordance National Fire Protection Association, Standard 10.

21.0406.2 Smoke/Dual Sensor Detectors. All dwelling units shall be provided with smoke detectors as defined in International Fire Code, 2009 Edition Section 907.2.11. In multiple-unit dwellings there shall be smoke detectors in common hallways accessible to two or more units. Detectors shall also be located in cellars or basements when such cellars or basements are used for storage, laundry equipment or central heating units. Effective January 1, 2015, all dwelling units shall be equipped with dual sensor smoke detectors as defined in Iowa Code Section 100.18 and 661 Iowa Administrative Code 210.1.

21.0406.2(A) Effective January 1, 2015, all dwelling units that have attached garages or within which fuel-fired appliances exist, shall have an approved carbon monoxide alarm installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. Single station carbon monoxide alarms shall be listed as complying with UL 2034 and shall be installed in accordance with this code and the manufacturer's installation instructions. Dual sensor smoke detectors that have carbon monoxide and smoke detection sensors which are listed to UL 2034 and UL 217, shall be allowed.

21.0406.2(B) Effective July 1, 2014, all newly registered dwelling units shall be provided with dual sensor smoke detectors as defined in Iowa Code Section 100.18 and 661 Iowa Administrative Code 210.1. In accordance with 661 Iowa Administrative Code 210.3(11). Smoke detectors shall be located as follows:

21.0406.2(B)(1) Placement. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of the bedrooms.

21.0406.2(B)(2) Bedrooms. In each room used for sleeping.

21.0406.2(B)(3) Levels. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwelling units with split levels and without intervening door between the adjacent levels, a smoke detector installed on

the upper level shall suffice for the adjacent lower level provided that the lower level is less than one story below the upper level.

21.0406.2(B)(4) Dual Sensor. All new smoke detectors are required to be a “Dual Sensor Smoke Detector” as defined in 661 Iowa Administrative Code 210.1: “Dual Sensor Smoke Detectors” means a smoke detector which contains both an ionization sensor and a photoelectric sensor which is designed to detect and trigger an alarm in response to smoke detected through either sensing device, or a smoke detector which has two sensors and is listed to UL Standard 217, Single and Multiple station Smoke Alarms, or another standard approved by the state fire marshal.

21.0406.3 Carbon Monoxide Alarms. Effective July 1, 2014, all new registered dwelling units that have attached garages or within which fuel-fired appliances exist, shall have approved carbon monoxide alarm installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. Single station carbon monoxide alarms shall be listed as complying with UL 2034 and shall be installed in accordance with this Code and the manufacturer’s installation instructions.

21.0406.4 Exits. Every floor above the first floor used for human occupancy shall meet the exit requirements of section 21.0407. If the structure cannot meet such exit requirements because it has only one approved means of egress, fire escape stairs will be permitted to serve as part of the second approved means of egress, provided such second means of egress meets all of the following performance standards in addition to all other requirements for means of egress:

21.0406.4(A) Fire escape stairs must serve an occupant load of ten or less or a single dwelling unit or guestroom and;

21.0406.4(B) Stair Access. There must be access to the fire escape stairs from each dwelling unit on each story served by the fire escape stairs, by means of either an approved exit or an approved balcony. Nothing contained in this section shall be construed to vary the provisions of section 21.0407.2(A) requiring emergency escape or rescue windows in every sleeping room, or the provisions of section 21.0404.1 through 21.0404.3 regarding access to dwelling units and between the various rooms of dwelling units.

21.0406.4(C) Structural requirements.

21.0406.4(C)(1) Placement. Fire escape stairs must not pass in front of any building opening below the unit being served.

21.0406.4(C)(2) Activating. The means of activating the escape device must be accessible to the rental unit or balcony being served.

21.0406.4(C)(3) Installation of fire escape stairs must not cause a person to pass within six feet of external electrical wiring.

21.0406.4(C)(4) Code. Fire escape stairways and balconies shall meet all requirements per the International Fire Code and International Building Code that have been adopted by the City of Newton.

21.0406.4(C)(5) Extensions. Fire escape stairs must reach the ground or be equipped with counterbalanced extensions which allow them to extend to the ground.

21.0406.4(C)(6) Acceptability criteria. Acceptability criteria are the same as performance and structural requirements. In addition, fire escapes must be kept clear and unobstructed and must be in good operating order.

Section 21.0407 Exits

Section 21.0407.1 Performance requirements. Every rental dwelling and rooming unit shall have access to two independent, unobstructed means of egress remote from each other. Except for a dwelling or rooming unit of the first story or below grade, neither means of egress shall consist solely of a window approved for emergency escape or rescue. At least one mode shall be an exit which discharges directly to a corridor, stairway or public way. If both exits are to a common corridor, they shall permit emergency egress in two directions.

Section 21.0407.2 Structural requirements.

Section 21.0407.2(A) Escapes. Sleeping rooms shall have a least one operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside without resorting to separate tools. Doorways shall be a least six feet, four inches high by at least 32 inches wide. Escape windows shall have a minimum net opening of 5.7 sq. ft. The minimum net opening height shall be 24 inches,, with a minimum net opening width of 20 inches and a maximum sill height of 44 inches from the floor.

Section 21.0407.2(B) Stairway Safety. Stairways having more than four risers shall be equipped with a substantial and safely constructed handrail of a height not less than 34 inches and not more than 38 inches above front nosing stair tread. The stairway rise height shall be uniform and each tread shall be of uniform width to allow uniform stepping motion for traversing the stairway.

Section 21.0407.2(C) Porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guards not less than 36 inches height. Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guards not less than 34 inches in height measured vertically from the nosing of the stair tread.

Section 21.0407.2(D) Acceptability criteria. Acceptability criteria are the same as performance and structural requirements.

21.0408 Natural light, natural ventilation and mechanical ventilation.

21.0408.1 Performance requirements.

21.0408.1(A) Natural light. All habitable rooms within a dwelling unit or rooming unit shall be provided with natural light means of exterior glazed openings with a minimum area eight percent (8%) of the floor area. All bathrooms, water closet compartments, laundry rooms and similar rooms shall comply with the habitable space requirements.

21.0408.1(B) All habitable rooms within a dwelling unit or rooming unit shall be provided with natural ventilation by means of openable exterior openings with minimum area of eight percent (8%) of the floor area.

21.0408.1(C) Ventilation. In lieu of required exterior openings for natural ventilation, a mechanical ventilation system may be provided. Such system shall be capable of providing two air exchanges per hour in all habitable rooms. One-fifth of the air supply shall be taken from the outside. In bathrooms, water closet compartments, laundry rooms and similar rooms, a mechanical ventilation system connected directly to the outside, capable of providing five air exchanges per hour, shall be provided.

21.0408.2 Structural requirements.

21.0408.2(A) Maintenance. Every window or other device with an opening to the outdoor space which is capable of being used for ventilation purposes shall be maintained in good state of repair. This includes screens, if applicable.

21.0408.2(B) Doors. Every door opening directly from a dwelling unit or rooming unit to the outdoor space shall fit reasonably tightly within its frame and shall be maintained in good order and a good state of repair.

21.0408.2(C) Additional structural requirements are set out in subsection (a)(1) through (3) of this section.

21.0408.3 Acceptability criteria. Every dwelling unit or rooming unit shall have natural light and natural ventilation. Mechanical ventilation may be substituted in lieu of natural ventilation. Exterior openings or mechanical systems shall be maintained in good working condition to ensure an appropriate climate for a healthy living environment.

21.0409 Mechanical equipment

21.0409.1 Performance requirements.

21.0409.1(A) Heating. Every dwelling and rooming unit shall have heating facilities which are properly installed and are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms locate therein to a temperature of at least 68 degrees Fahrenheit (19 degrees Celsius) at a distance of three feet above the floor level at all times. The heating facilities shall be so designed and equipped that heat, as specified in this subsection, is available for all dwelling units.

21.0409.1(B) Heat Venting. Every fuel-burning heating unit or water heater shall be effectively vented in a safe manner to a chimney or duct leading to the exterior of the building. The chimney or duct shall be of such design as to ensure proper draft, and shall be adequately supported.

21.0409.1(C) Heat Location. Every central heating unit, space heater, water heater and cooling appliance shall be located and installed in such a manner as to afford reasonable protection against involvement of egress facilities or egress routes in the event of uncontrolled fire in the structure.

21.0409.1(D) Heat Location. No fuel-burning furnace or water heater shall be located within any sleeping room or bathroom unless there is adequate combustion air, an automatic shut off is provided and the continued operation of the furnace or water heater poses no threat to the occupants, as determined by the City of Newton mechanical inspector.

21.0409.1(E) Heat Controls. Every steam or hot water boiler and every water heater shall be protected against overheating by appropriate automatic pressure and temperature limit controls.

21.0409.1(F) Heat Devices. Every fuel-burning space heating unit and water heater shall be equipped with an electronic ignition device or with a pilot light and a control to interrupt the flow of fuel to the unit in the event of failure of the ignition device.

21.0409.2 Structural requirements.

21.0409.2(A) Maintenance. Such equipment shall be installed and maintained in a safe condition and in accordance with applicable codes and manufacturers specifications.

21.0409.2(B) Provisions of the American Gas Association shall apply to the installation of gas and associated equipment.

21.0409.3 Acceptability criteria. Acceptability criteria are the same as performance and structural requirements. All heating devices or appliances shall be of approved type. Unvented room heaters which burn gas, oil or kerosene are unacceptable.

21.0410 Electrical equipment

21.0410.1 Performance requirements.

Each room shall have adequate electrical equipment to permit normal indoor activities and to support the health and safety of occupants. Sufficient electrical sources shall be provided to permit use of essential electrical appliances while ensuring safety from fire or electrical failure.

21.0410.2 Structural Requirements

21.0410.2(A) Electrical lighting

21.0410.2(A)(1) Every habitable room and bathroom shall contain at least one wall switch and electrical light fixture. In rooms other than kitchen, one or more electrical receptacles controlled by wall switches may be permitted.

21.0410.2(A)(2) All non-habitable rooms such as furnace rooms, utility rooms, hallways, stairways, exterior and interior entrances and attached garages shall be provided with an electrically operable light fixture to illuminate such areas.

21.0410.2(A)(3) Cellars, basements, attics and crawl spaces containing service equipment or used for storage purposes shall contain an electric fixture for illumination of facilitate checking, servicing and general personal safety.

21.0410.2(A)(4) Hallways, interior and exterior stairways and interior and exterior entrances may be provide with automatically controlled electrical lighting if manual electrical switching is provided. Switches shall be provided at both ingress and egress areas to provide safe unobstructed use of such areas.

21.0410.2(B) Electric convenience outlets

21.0410.2(B)(1) Every habitable room shall contain at least two double electric convenience outlets.

21.0410.2(B)(2) Every bathroom and kitchen where the receptacles are installed to serve the counter-top surfaces shall be provided with approved ground fault interrupter circuit.

21.0410.2(B)(3). Other non-habitable rooms shall be provided with electrical convenience outlets as required for use.

21.0410.2(C) Maximum overcurrent protection of branch circuits is 15 amperes, except that laundry room, kitchen and dining room outlets when provided with no. 12 A.W.G or larger, shall be in accordance with the electrical code of the city.

21.0410.2(D) Overcurrent devices shall be identified on the panel as to the circuits they protect.

21.0410.2(E) Service entrance conductors shall be properly installed with a main disconnect and overcurrent protection. The main disconnect shall be located as near as possible to the service entrance. The service shall be properly grounded by continuous copper conductor to the street side of the water meter and bonded across the water meter to the house side. Units without city-supplied water shall have grounding by proper connection to the grounding rod.

21.0410.2(F) All occupants shall have ready access to all overcurrent devices supplying their respective areas.

21.0410.3 Acceptability criteria. Acceptability criteria are the same as performance and structural requirements.

21.0411 Interior air quality

21.0411.1 Performance requirements. The dwelling unit shall be free from pollutants in the air at levels which threaten the health of the occupants.

21.0411.2 Structural requirements. Structural requirements shall be provided in section 21.0409(a)(1), pertaining to thermal environment.

21.0411.3 Acceptability criteria. The dwelling unit shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas dust and other harmful air pollutants. Air circulation shall be adequate throughout the unit.

21.0412 Potable water supply

21.0412.1 Performance requirements. The water supply shall be free from contamination.

21.0412.2 Structural requirements.

21.0412.2(A) Generally. The provisions of the city plumbing code shall apply to the water supply.

21.0412.2(B) Required water heating facilities. Every kitchen sink, bath and lavatory basin required in accordance with the provisions of this article shall be properly connected with supplied water heating facilities. Every water heating facility shall be properly connected and shall be capable of heating water to such temperature as to permit an adequate amount of water to be drawn on every kitchen sink and lavatory basin required at a temperature of not less than 120 degrees. Fahrenheit (48 degrees Celsius).

21.0412.3 Acceptability criteria. The unit shall be served by an approved public or private sanitary water supply. Water heating facilities shall meet requirements stated in subsection (b) of this section.

21.0413 Shades, draperies and window coverings

21.0413.1 Performance requirements.

21.0413.1(A) Window Coverings. Every window in rooms used for sleeping purposes in rooming units and furnished dwelling units shall be supplied with shades, draperies or other devices or materials which, when properly used, will afford privacy to the occupants. (Blankets, Plastic, Aluminum foil, sheets and other type of materials shall be prohibited.)

21.0413.1(B) Window Hardware. Every window in rooms used for sleeping purposes in unfurnished dwelling units shall be supplied with hardware necessary to support shades, draperies or other devices or materials which, when properly used, will afford privacy to the occupants. (Blankets, Plastic, Aluminum foil, sheets and other type of materials shall be prohibited.)

21.0413.2 Structural requirements. Structural requirements are the same as performance requirements.

21.0413.3 Acceptability criteria. Acceptability criteria are the same as performance requirements.

21.0414 Structure and materials

21.0414.1 Performance requirements. The dwelling unit shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment.

21.0414.2 Structural requirements.

21.0414.2(A) Generally. Structural requirements shall be as provided in **division 7** of this article.

21.0414.2(B) Lead based paints. The dwelling unit shall be compliance with Housing and Urban Development lead based paint regulations, 24 CFR, part 35, issued pursuant

to the Lead Based Paint Poisoning Prevention Action, 42 USC 4801, and the owner shall provide a certification that the dwelling is in accordance with such Housing and Urban Development regulations. If the property was constructed prior to 1950, the residents, upon occupancy, shall be furnished the notice required under the Housing and Urban Lead Based paint Regulations, and procedures regarding the hazards of lead based poisoning, the symptoms and treatment of lead poisoning and the precautions to be taken against lead poisoning.

21.0414.3 Acceptability criteria. Ceilings, walls and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other serious damage. The roof structure shall be firm and the roof shall be weather tight. The exterior wall structure and exterior wall surface shall not have any serious defects as serious leaning, buckling, sagging, cracks, holes, loose siding or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., shall be such as not to present danger or tripping or falling. Elevators shall be maintained in safe and operating condition. In the case of a mobile home, the home shall be securely anchored by a tie-down device which distributes and transfers the loads imposed by the unit to appropriate ground anchors so as to resist wind forces and prevent mobile home from overturning and sliding.

21.0415 Site and neighborhood. This section shall comply with “Code of Ordinances, City of Newton, Title 4 Land Use Chapter 32, Site Plan control”.

21.0415.1 Performance requirements. The site shall be reasonably free from disturbing noises and reverberations and other hazards to the health, safety and general welfare of the occupants of the neighborhood.

21.0415.2 Structural requirements. Buildings should be maintained so as not to present a deteriorated condition indicating a blighted area. The site should be free of trash and maintained in conformance with accepted standards within the neighborhood. Parking should be organized, and parking rules shall be enforced. Garbage receiving areas shall be maintained and kept clean, and shall not provide access to rodent infestation or fire hazards.

21.0415.3 Acceptability criteria. The site shall not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous sidewalks, steps poor drainage, septic tank backup, sewage hazards, mudslides, dust, and smoke, excessive accumulation of trash, vermin or rodent infestation or fire hazards.

21.0416 Occupancy standards

21.0416.1 Performance requirements. No occupant shall allow the occupancy of any dwelling unit or rooming unit within which he or she lives to violate the occupancy standards outlined in **section 21.0406 and Division 6** (Occupant Responsibilities) of this article pertaining to occupant’s responsibilities.

21.0416.2 Owner’s responsibility. No owner shall knowingly allow the occupancy of any dwelling unit which does not then have a valid rental housing occupancy permit in effect.

21.0416.3 **Occupancy permit.** No person shall occupy, nor shall the owner allow the occupancy of, any dwelling unit which does not then have a valid rental housing occupancy permit in effect.

21.0416.4 **Structural requirements.** Structural requirements are provided in section 21.0403.

21.0416.5 **Acceptability requirements.** Acceptability criteria are the same as performance and structural requirements.

21.0500 **Owner Responsibilities**

21.0501. – **Generally** The owner's responsibilities under this article are as set out in this division.

21.0502. – **Maintenance of structure**

21.0502.1 **Sound Condition** Every foundation, roof, floor, wall, ceiling, stair, step, elevator, handrail, porch, guardrail, sidewalk and appurtenance thereto shall be maintained in a safe and sound condition and shall be capable of supporting the loads that normal use may cause to be placed thereon.

21.0502.2 **Weather proof** Every foundation, floor exterior wall, interior door, window and roof shall be maintained in a reasonably weather-tight, watertight, rodent proof, and insect proof condition.

21.0502.3 **Doors/Windows** Every door and window, to include all hardware associated with every door and window, shall be maintained in good and functional condition and shall be capable of providing privacy.

21.0502.4 **Interior** Every interior partition, wall, floor, ceiling and other interior surface shall be maintained so as to permit it to be kept in a clean and sanitary condition, and where appropriate shall be capable of providing privacy.

21.0503. – **Maintenance of accessory structures** Every foundation, exterior wall, roof, window, exterior door and appurtenance of every accessory structure shall be so maintained as to prevent the structure from becoming a harborage for rats, or other vermin and shall be maintained in a reasonably watertight, structurally sound condition capable of withstanding imposing wind and snow loads.

21.0504. – Drainage

21.0504.1 **Rainwater drainage.** Rainwater shall be directed away from the building so as to prevent water damage to structure.

21.0504.2 **Grading and drainage.** Every premise shall be graded so no stagnant water will accumulate or stand thereon.

21.0504.3 **Exception.** This section shall not affect the existence or maintenance of approved storm water detention systems.

21.0505. **Chimneys** Every Chimney shall be adequately supported and maintained in a reasonable good state of repair.

21.0506. – Protection of wood exterior surfaces

21.0506.1 Generally. All exterior wood surfaces of a dwelling and its accessory structures, porches and similar appurtenances shall be protected from the elements against decay by non-lead paint or other approved protective covering.

21.0506.2 Exception. Any exterior wood surface comprised of a type of species of wood which resists or which has been treated to resist decay and infestation shall be exempted from the requirement of subsection (a) of this section when approved by the inspector.

21.0507. – Egress from structure Every means of egress shall be maintained in good condition and shall be free from obstruction at all times.

21.0508. – Hanging screens and storm windows The owner or operator of the premises shall be responsible for hanging all screens and storm windows, except when there is a written agreement between the owner and the occupant to the contrary. Any such agreement shall be available to the inspector during the inspection of the dwelling. Screens shall be provided no later than May 1st of each year and storm windows shall be provided no later than November 1st of each year.

Sec 21.0509. – Electrical system The electrical system of every dwelling or accessory building shall not, by reason of overloading, dilapidation, lack of insulation, improper fusing or for any other cause, expose the occupants to hazards of electrical shock. The owner should allow tenant access to fusing and electrical disconnect means.

21.0510. – Maintenance of plumbing fixtures Every plumbing fixture and water and waste pipe shall be maintained in a good and sanitary working condition. Water pressure shall be adequate to permit proper flow of water from all open outlets at all times except during maintenance and repair.

21.0511. – Maintenance of gas appliances and facilities

21.0511.1 Gas piping Every gas pipe shall be sound and tightly put together and shall be free of leaks, corrosion and obstruction causing reduced pressure or volume.

21.0511.2 Gas pressure shall be adequate to permit a proper flow of gas from all open gas valves at all times except during maintenance.

21.0512 Maintenance of heating and cooling facilities The heating equipment of each dwelling shall be maintained in a good, safe working condition and shall be capable of heating all habitable rooms and bathrooms located therein to the minimum temperature required by this article. However, heating and cooling equipment shall not be required to be maintained in operational condition during what is considered to be the off-season periods.

21.0513 Floors Every toilet room floor surface, bathroom floor surface and kitchen floor surface shall be maintained so as to permit them to be kept in a clean, dry and sanitary condition.

21.0514. Supplied facilities No supplied facility shall be removed, shut off disconnected from any occupied dwelling unit or rooming unit except for such temporary interruptions as may be necessary while actual repairs, replacement or alterations are being made, unless authorized by court order.

21.0515. Maintenance of sanitary facilities All toilets, baths and lavatory basins shall be maintained in good working condition.

21.0516. Fire protection All fire extinguishers and early warning fire safety systems shall be maintained in proper working order at all times. Smoke detectors shall be properly installed and maintained at all times. Anyone who fails to take immediate action to abate a hazard when notified by the code official shall be subject to citation.

21.0517. Pest extermination The owner or operator shall be responsible for extermination of pests when it is determined by the county health officer or his/her designated agent that the infestation is present in two or more dwelling units or rooming units within a dwelling.

21.0518. Units to be let only when clean and sanitary No owner or operator shall permit occupancy of any vacant dwelling unit or rooming unit unless it is clean, sanitary and fit for human occupancy.

21.0519. Garbage Disposal Every owner or operator of a dwelling unit shall supply adequate facilities for the disposal of garbage in compliance with this code.

21.0520. Occupancy control A dwelling unit shall not contain more than one family or more than four (4) unrelated persons

21.0521. Cooking in rooming units No owner or operator shall knowingly allow the use of cooking equipment within any rooming unit except for specifically supplied kitchens or kitchenettes meeting the provisions in this article.

21.0522. Tornado shelter In multi-dwelling units, the owner of a dwelling unit shall identify and maintain a tornado shelter for use by occupants of each dwelling unit. The owner shall post a notice in each dwelling unit indicating the location of this site in relation to the dwelling unit.

21.0523. Address numbers New and existing buildings shall have approved address numbers, building numbers or approved identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

21.0601. Cleanliness and sanitation The occupant of a dwelling unit or rooming unit shall keep in a clean, safe and sanitary condition that part of the dwelling, dwelling unit, rooming unit or premises thereof that he/she occupies and controls, to include the following:

21.0601.1 Flooring Every floor and floor covering shall be kept reasonably clean and sanitary.

21.0601.2 Walls/Ceilings Every wall and ceiling shall be kept reasonably clean and free of dirt or greasy film.

21.0601.3 Refuse Storage No dwelling unit shall be used for storage of refuse, except as provided in this article.

21.0601.4 Outside areas shall comply with the City of Newton Nuisance codes.

21.0602 Plumbing fixtures. The Occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the reasonable care, proper use and proper operation thereof.

21.0603 Extermination of pests. The occupant of a single-family dwelling shall be responsible for the extermination of any insects, rodents or other pests on the premises. The occupant of a dwelling containing two or more units or rooming units shall be responsible for such extermination within the unit occupied by him/her whenever the unit is the only one infested. However, whenever it is determined by the county health officer or his/her designated agent that infestation is caused by failure of the owner to maintain a dwelling in a reasonable rodent proof or insect proof condition, extermination shall be the responsibility of the owner.

21.0604 Storage and disposal of garbage. The occupant of a dwelling shall dispose rubbish, garbage and any other organic waste in a clean and sanitary manner by placing it in the supplied facilities or containers required by this Code.

21.0605 Electrical wiring. The occupant of a dwelling unit or rooming unit shall use no temporary wiring or extension cords which run directly from portable electric fixtures to convenience outlets and which do not lie beneath floor coverings or extend through doorways, transoms or similar structural elements or are attached thereto. The occupant shall not knowingly overload the circuitry of the dwelling or rooming unit.

21.0606 Supplied facilities. The occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the reasonable care, proper use and proper operation thereof.

21.0607 Fire safety devices. The occupant shall not tamper with or disable any fire extinguisher or early warning protection device or system. All tenants listed on the dwelling unit's lease agreement shall be held responsible for any tampering or disabling within the unit and shall be subject to citation. Anyone who fails to take immediate action to abate a hazard when notified by the code official shall be subject to citation. The Tenant along with the owner shall be held responsible for the replacement of batteries in smoke detectors and Carbon Monoxide detectors.

21.0608 Filing a Complaint. In the event that a tenant files a complaint against his/her landlord to the housing inspector, the complaint must be in writing stating what the complaint is and must be signed and dated by the tenant.

21.0701 Generally. Any rental unit or portion thereof, including any dwelling unit, guestroom or suite of rooms, or the premises on which the unit is located, in which

there exists any of the conditions listed in this division, to the extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby is declared to be a substandard building.

21.0702 Substandard conditions. Substandard conditions shall include but not be limited to the following:

- 21.0702.1** Lack of proper water closet, lavatory, bathtub, or shower.
- 21.0702.2** Lack of proper kitchen sink.
- 21.0702.3** Lack of hot and cold running water to plumbing fixtures.
- 21.0702.4** Lack of heating facilities.
- 21.0702.5** Lack of or improper operations required ventilating equipment.
- 21.0702.6** Lack of or minimum amounts of natural light and ventilation require by this article.
- 21.0702.7** Room and space dimensions less than required by this article.
- 21.0702.8** Lack of required electrical lighting.
- 21.0702.9** Dampness of habitable rooms.
- 21.0702.10** Infestation of insects, vermin or rodents as determined by the health officer.
- 21.0702.11** General dilapidation or improper maintenance.
- 21.0702.12** Lack of connection to the required sewage disposal system.
- 21.0702.13** Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.
- 21.0702.14** Lack of valid minimum rental housing occupancy permit for the dwelling unit.

21.0703 Structural hazards. Structural hazards shall include but not limited to the following:

- 21.0703.1** Deteriorating or inadequate foundations.
- 21.0703.2** Defective or deteriorating flooring or floor supports.
- 21.0703.3** Flooring or flooring supports of insufficient size to carry imposed loads with safety.
- 21.0703.4** Members of wall, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
- 21.0703.5** Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

21.0703.6 Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

21.0703.7 Members of ceiling, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety.

21.0703.8 Fireplaces or chimneys which list, bulge or settle due to material deterioration.

21.0703.9 Fireplaces or chimneys which are insufficient size or strength to carry imposed loads with safety.

21.0704 **Hazardous wiring.** Hazardous wiring shall include all wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.

21.0705 **Hazardous plumbing.** Hazardous plumbing shall include all plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections and siphoning between fixtures.

21.0706 **Hazardous mechanical equipment.** Hazardous mechanical equipment shall include all mechanical equipment,, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.

21.0707 **Faulty weather protection.** Faulty weather protection shall include but not be limited to the following:

21.0707.1 Deteriorated, crumbling or loose plaster

21.0707.2 Deteriorating or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.

21.0707.3 Defective weather protection or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

21.0707.4 Broken, rotted, split or buckled exterior wall coverings or roof.

21.0708 **Fire hazards.** Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the chief of fire department or his/her designee, is in such condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be deemed a fire hazards.

21.0709 **Faulty materials of construction.** Faulty materials of construction shall include all materials of construction except those which are specifically allowed or approved by this article and the building code, and which have been adequately maintained in good and safe condition.

21.0710 Hazardous or unsanitary premises. Hazardous or unsanitary premises shall include those premises on which an accumulation or weeds, vegetation, junk, dead organic matter, debris; garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire health or safety hazards.

21.0711 Inadequate maintenance. Any building or portion thereof which is determined to be an unsafe building in accordance with the building code of the city shall be deemed to be inadequately maintained.

21.0712 Inadequate exits. All Buildings or portion there of not provided with adequate exit facilities as required by this article shall be deemed to have inadequate exits.

21.0712.1 Required. When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.

21.0713 Inadequate fire resistive construction or firefighting equipment

21.0713.1 Fire Resistive. All buildings or portion thereof which are not provided with the fire-resistive construction required by this article shall be deemed to have inadequate fire-resistive construction, except those buildings or portions thereof which the owner proves by clear satisfactory and convincing evidence:

21.0713.1(A) Conformed with all applicable laws at the time of their construction, conversion to rental dwelling unit status, and increase in number of rental dwelling units; and

21.0713.1(B) Whose fire-resistive construction has been adequately maintained and improved with any increase in number of dwelling units or occupant load, and with any alteration, addition, or change in occupancy.

21.0713.2 All buildings or portions thereof which are not provided with the fire extinguishing system or equipment required by this article shall be deemed to have inadequate fire extinguishing systems or equipment.

21.0714 Improper Occupancy. Improper occupancy shall include any occupancy of a building or portion thereof occupied for living, sleeping, cooking or dining purposes which was not designed or intended to be used for such occupancy. Improper occupancy shall also include the occupancy of, or allowing the occupancy of, any dwelling unit for which there is not in effect a valid and current minimum rental housing occupancy permit or a valid and current registration receipt with respect to said dwelling.

21.0801 Appeals; variances

21.0801.1 Appeal. Any person affected by any written notice or order of the rental housing inspector issued under the provisions of this article may appeal such notice or order to the Building and Trades Board established under the International Residential Code and the International Building Code, which are adopted by the city of

Newton. The appeal shall be filed within 30 days from the date of service of the notice or order of the rental housing inspector.

21.0801.2 Fee. The appeal may request that the notice or order be modified or revoked, or that a variance be granted. The person filing the appeal shall require to pay a fee from the processing of the appeal in such amount as determined by resolution of the city council.

21.0801.3 Filing. The form of the appeal and the procedures for processing the appeal and for conducting the appeal hearing shall be governed by Chapter 1. Section R112 of the International Residential Code, except as otherwise provided in this section. The appeal shall be filed at the office of the city clerk, who will immediately forward a copy thereof to the fire chief of the city. The Fire Chief and the Director of Planning and Zoning shall assign staff to review the appeal and prepare a staff review and report to the Building and Trades at least five days prior to the hearing. One or more of such designated staff persons shall attend the hearing. The Housing Advisory and Appeals Board shall conduct a hearing on the appeal within 60 days of the date of filing of the appeal with the city clerk.

21.0801.4 Hearing. At the hearing on the appeal, the party who is appealing shall have an opportunity to be heard and to show cause why such notice or order should be modified or revoked, or why a variance should be granted. The party who is appealing shall have the burden of proof to show that the notice or order should be modified or revoked, or that the variance should be granted. The proof shall be clear, satisfactory and convincing evidence.

21.0801.5 Decision. The board, by majority vote, may sustain, modify or revoke the notice or order, or may grant or deny the variance.

21.0801.6 In Writing. In case of appeals requesting that the board modify or revoke a notice of order, the board shall determine whether the notice or order of the rental housing inspector properly and correctly interprets and applies the provisions of this article. The board shall issue a written decision in accordance with its findings of fact, based on the evidence presented on the record of the whole.

21.0801.7 Variance. In the case of appeals requesting a variance, the board may grant a reasonable variance in a specific case and from a specific provision of this article, subject, however, to appropriate conditions, and provided that the board makes specific findings of fact based on the evidence presented on the record as a whole, that the following factors have been established by the required standard of proof:

21.0801.7(A) That there are practical difficulties or unnecessary hardships in carrying out the strict letter of the notice of order; and

21.0801.7(B) That due to the particular circumstances presented, the effect of the application of the provisions of this article would be arbitrary in the specific case; and

21.0801.7(C) That an extension of time to bring the property into compliance with the provisions of this article would not constitute an appropriate remedy for this practical difficulties or unnecessary hardships in this arbitrary effect;

21.0801.7(D) That such a variance is in harmony with the general purpose and intent of this article in securing the public health, safety and general welfare; and

21.0801.7(E) That the granting of such variance will not render the structure unsafe for habitation; and

21.0801.7(F) That the structure benefited by the variance conformed with all applicable provisions of the Newton Code of Ordinances, including, but not limited to, zoning provisions, at each of the following times:

21.0801.7(F)(1) At time of construction; and

21.0801.7(F)(2) At the time of its conversion to rental dwelling status; and

21.0801.7(F)(3) At the time of any increase in number of rental dwelling units in the structure.

21.0801.8 **Open Meeting.** Hearings conducted under this section shall be open to the public during the presentation of testimony and other evidence and during any argument or discussion the board may permit. Upon completion of the submission of evidence, the board shall make findings and determination based upon thereon. The board may request assistance from the city attorney's office in formalizing its findings and determinations, which shall be issued in written form. Findings and determination shall be made no later than 30 days after the hearing.

21.0801.9 **Appeal of Decision.** Either the party who is appealing or the city may appeal the decision of the board to a court of competent jurisdiction within 30 days of the date of the decision of the board. If the decision of the board is not appealed, it shall become final.

21.0801.10 **Recorded.** Variances issued by the board shall be recorded in the rental housing inspector's records of the property, and a copy of the variance shall be filed in the Office of the Recorder of Jasper County, Iowa.

21.0801.11 **Municipal Infraction Appeal.** A municipal infraction citation that is issued to any person for a violation of any provisions of this article shall not be the subject of an appeal or a request for a variance under this division. All municipal infraction citations shall be governed by the provisions of the Code of Ordinances, City of Newton and by section 364.22. Code of Iowa.

21.0901 **Suspension of rental housing occupancy permit.** A minimum rental housing occupancy permit issued to an owner of any dwelling unit under the provisions of this article may be suspended as provided in this division.

21.0902 **Certification by Owner.** Prior to the city's issuance of either a minimum rental housing permit under section 21.0304 the owner of the dwelling unit shall be required to sign a certification in writing on a form furnished by the city that the owner shall comply with each of the following requirements with respect to such dwelling unit, for as long as such dwelling unit is subject to the provisions of this article.

21.0902.1 Copies Required. At the time of entering a required written lease covering the dwelling unit, the owner shall furnish to the tenants who will occupy the dwelling unit one copy of each of the following documents.

21.0902.1(A) The then current version of Iowa Code Chapter 562 A, titled “Uniform Residential Landlord and Tenant act”

21.0902.1(B) The then-current version of the City of Newton Minimum Rental Housing Code Chapter 21 of the Code of Ordinances City of Newton

21.0902.1(C) The owner shall cause the tenants to acknowledge in writing their receipt of the documents described in subsection (a) of this section.

21.0902.2 Violation. Failure of the owner to comply with the requirements of this section with respect to any dwelling unit owned by the owner shall be grounds for the assessment of infraction points covering such dwelling unit as provided in section 21.0904.24.

21.0903 Requirements imposed upon owner of dwelling unit; public nuisance

21.0903.1 Adverse Affect. It shall be the responsibility of the owner of each dwelling unit that is subject to the provisions of this article to assure that the use and occupancy of such dwelling unit does not unreasonably interfere with or adversely affect the rights of nearby residents to the quiet enjoyment of their property, and does not disturb the health, safety, comfort, or general welfare of the occupants of surrounding properties.

21.0903.2 Adverse Affect. Any use or occupancy, or allowing the use or occupancy, of any dwelling unit subject to the provisions of this article in violation of the requirements of **21.0903.1** of this section shall constitute a public nuisance.

21.0904 Assessment of infraction points founded complaint of violations. In addition to the possibility of the issuance of a municipal infraction, the owner of any dwelling unit subject to the provisions of this article at which a founded complaint of a violation of any of the following provisions of this code occurs shall be assessed infraction points, in accordance with the following schedule:

21.0904.1 For over-occupancy of a minimum rental housing dwelling unit in violation of section **21.0403(b)(3)**. **Five Points**

21.0904.2 For occupancy of a dwelling unit without having obtained a minimum rental housing occupancy permit in violation of section **21.0304**, **Five Points**

21.0904.3 For any illegal creation of new dwelling units or creation of additional bedrooms within existing dwelling units, in violation with the City of Newton Code of Ordinances. **Five Points**

21.0904.4 For unauthorized building improvements requiring building, electrical, plumbing, and mechanical or zoning permits, in violation of City of Newton Code of Ordinances. **Five points**

- 21.0904.5** For illegal front yard/side yard parking, in violation of sections 13.0203.3, 13.0206.1, or 13.0206.2 of this code. **Three points for each violation per vehicle and occasion.**
- 21.0904.6** For creation of an unapproved parking area or parking lot or unauthorized expansion of an existing parking lot or parking area, in violation of City of Newton Code of Ordinances of this code. **Five Points**
- 21.0904.7** For violations of the minimum rental housing code, in violation of this article, except those expressly provided for elsewhere in this section. **Three points for each violation.**
- 21.0904.8** For failure to comply with any minimum rental housing code inspection schedule of corrections following initial inspection, in violation of sections **21.0304 or 21.0305** of this code, **Five points, for each re-inspection after the first re-inspection that may be required for occupancy permit approval.**
- 21.0904.9** For loud parties, in violation of section 11.0201.723.4 of this code, or for bootlegging, in violation of I.C.A § 123.59, **Five points, but not five points for each violations if they arise out of the same act or occurrence.**
- 21.0904.10** For improper use of furniture designed for use indoors that is placed in outdoor/yard areas or improper outdoor storage of miscellaneous debris items, in violation of section 13.0202.2, 13.0202.4 or 13.0202.22 of this code. **Three points**
- 21.0904.11** Failure to remove snow and ice from public sidewalks within a reasonable time of a weather event producing snow and/or ice coverage, in violation of section 13.0202.13 of this code. **Three points**
- 21.0904.12** For improper placement of discarded household “bulk” items (i.e., furniture, appliances, or other similar household items) at the street curb for more than 72 hours without arranging for proper refuse collection, in violation of section 13.0202.2 of this code. **Three points**
- 21.0904.13** For junk and inoperable vehicles, including unlicensed vehicles, on the property, in violation of section 13.0206 of this code. **Three points for each vehicle.**
- 21.0904.14** For trash or litter in yard areas of the property, in violation of section 13.0202.4 of this code. **Three points**
- 21.0904.15** For overflowing trash dumpsters or refuse cans which generate trash and litter, in violation of section 13.0202.2, 13.0202.4 or 13.0202.22 of this code. **Three points**
- 21.0904.16** For brush piles and other vegetative debris, in violation of section 13.0202.6 and/or 13.0207.1 of this code. **Three points**
- 21.0904.17** For illegal burning of trash, leaves or other vegetation, in violation of section 25.0105 of this code. **Three points**

21.0904.18 For unauthorized outdoor fires, in violation of section 25.0105 of this code. **Three points**

21.0904.19 For un-mowed grass, weeds, in violation of section 13.0202.6 of this code. **Three points**

21.0904.20 For overgrown, brush, tree branches or other vegetation planted and growing on private property that obstructs the public sidewalk, in violation of section 13.0207.1 of this code. **Three points**

21.0904.21 For refuse containers, carts placed at the curb more than 24 hours before scheduled refuse pick-up or failure to remove said containers or carts from curb area and return to the residence more than 12 hours after refuse pick-up, in violation of section 13.0202.4 of this code. **Two points**

21.0904.22 For making or causing noise in violation of section 11.0201.723.4 of this code. **Two points**

21.0904.23 For any other nuisance enumerated in The City of Newton Nuisance Code. **Two points**

21.0904.24 For failure of the owner to comply with the requirements set forth in section 21.0902 relating to certification of owner. **Three points**

21.0904.25 For failure of the owner of any property, or such owner's manager, to respond to request from the city police department or fire department to come to a dwelling unit owned by such owner, after being personally notified and requested to do so, in connection with a police investigation or investigation by the fire department or any incident at such dwelling unit upon which a founded complaint is based with one hour of being notified by the police to come to the dwelling unit. **Five points**

21.0904.26 For any violation of, The International Fire Code, Fire Prevention and Protection. **Five points**

21.0905.27 **Founded complaint defined.** For purposes of this division, a complaint of a violation shall be considered a founded complaint if, upon investigation by the city, there is reasonable cause to believe that the conduct upon which the complaint is based actually occurred on or at a particular dwelling unit that is subject to the provisions of this article, and such conduct occurred within 90 days of the time the city became aware of such conduct.

21.0905 **Assessment of infraction points; appeal; record of assessment of infraction points.** Following a determination by the city that a founded complaint has occurred with respect to a dwelling unit that is subject to the provisions of this article, such dwelling unit shall be assessed with the number of infraction points that correspond to the violation or violations that pertain to the founding complaint, in accordance with the provisions of this division.

21.0905.1 **Exception.** Infraction points not to be assessed under certain circumstances.

21.0905.1(A) If, in the reasonable judgment of the Inspector or Code Enforcement employee, or, in the event by the owner, in the reasonable judgment of the board of rental housing appeals established under section 21.0908, the owner of the dwelling unit makes in good-faith, reasonable and timely effort to assist the city in correcting the problems that led to founded complaint, the city shall not assess any infraction points against the owner of the dwelling unit with respect to which the founded complaint occurred.

21.0905.1(B) In order for the owner's effort to be considered to be timely, the owner must contact the city within three business days from the date the notice in subsection (c) of this section is given to the owner.

21.0905.1(C) 3. In order for the owner's effort to be considered to be in good-faith and reasonable, the owner shall take or shall have taken such steps as are (a) reasonable under all of the circumstances to correct the problems that led to the founded complaint; and (b) reasonable action calculated to prevent such problems from recurring with respect to that dwelling unit or those tenants in the future.

21.0905.1(D) Such steps may include, but are not limited to, either or both of the following steps:

21.0905.1(D)(1) Certifying in writing to the city that the owner, or the owner's manager or other agent, has communicated with the tenants of the dwelling unit in question, has explained to them the acts or conduct upon which the founded complaint is based, that such acts or conduct are in violation of one or more city ordinances listed in section 21.0904(a), and has explained to the tenants the consequences of such violations under this division, and the consequences, if any, under the lease between the owner and the tenants of the dwelling unit; or

21.0905.1(D)(1) Obtaining from the tenants of the dwelling unit in question a written statement that the tenants knowledge that the acts or conduct upon which the founded complaint is based constitutes a violation of one or more city ordinances listed in section 21.0904, and agreeing to refrain from such acts or conduct in the future.

21.0905.1(E) Nothing contained in this subsection (b) shall be construed to prevent the assessment of infraction points by the city against the owner of the dwelling unit with respect to which the founded complaint is based, if the owner fails, in the reasonable judgment of the city, to make a good-faith, reasonable and timely effort to assist the city in correcting the problems that led to the founded complaint; or, despite the owner having made a good-faith reasonable and timely effort to assist the city in correcting the problems that led to a founded complaint with respect to the dwelling unit, there is a recurrence of the same or a substantially similar violation of the ordinances described in section 21.0904 that led to a founded complaint with respect to the same dwelling unit within the 12-month period immediately following the date of occurrence of that founded complaint.

21.0906 **Notice.** The code enforcement division of the Newton Fire Department shall cause a notice to be given to the owner of the dwelling unit against which any infraction points are assessed under this division. The notice shall be mailed

by certified mail addressed to the owner of the dwelling unit as such owner's last known address. The notice shall be deemed complete upon mailing. It shall be the responsibility of such owner to notify the city in writing of any change in the owner's mailing address from the address specified on the owner application for minimum rental housing occupancy permit and on the owner's application for annual inspection, and any failure of the owner to do so shall bar the owner from challenging the validity of any notice given by the code enforcement division of the Newton Fire Department to the owner which is mailed to the address specified by such owner on said application.

21.0907 **Appeal.** The owner may appeal the assessment of infraction points against the dwelling unit filing a written notice of appeal with the city clerk within 14 days of the date of mailing of the notice of assessment of infraction points, in the manner described in section **21.0907** of this division. The failure of the owner to timely file an appeal of the assessment of infraction points shall constitute a waiver of the owner's right to contest the validity of the assessment of such infraction points against the dwelling unit for any purpose in all subsequent proceedings with respect to such dwelling unit, including any contest based upon such owner not having received the notice of assessment, if the notice was sent to the owner at the address specified on the owner's most recently filed application for minimum rental housing occupancy permit or application for annual registration, as provided in subsection (c) of this section.

21.0907 **Record of Assessment of Infraction Points.** The code enforcement division of the Newton Fire Department shall keep a record of the assessment of infraction points against each dwelling unit under this division, and shall make such record available for public inspection during business hours of the code enforcement division. The record shall include the address of the dwelling unit, including unit number or apartment number; the date of the assessment of the infraction points against the dwelling unit; the number of assessment points assessed against the dwelling unit on each such date; and the name and address of the owner of the property upon which the dwelling unit is located.

21.0906 **Suspension of occupancy permit.**

21.0906.1 **Suspension for accumulation of infraction points.** In the event any dwelling unit that is covered by this article is assessed 15 or more infraction points in rolling 12-month period under the provisions of this division, the minimum rental housing occupancy permit covering such dwelling shall be subject to suspension as provided in this section for a period of six (6) months if the occupancy permit has not been previously suspended, or for 12 months, if the dwelling unit's occupancy permit has previously been suspended under this division. For purposes of this subsection and this division, any points assessed against a dwelling unit shall be deemed to have been assessed as of the date that the conduct upon which the founded complaint which led to the assessment of points actually occurred.

21.0906.2 **Notice of suspension.** If the occupancy permit covering any dwelling unit becomes subject to suspension as provided in subsection (a) of this section, the city clerk shall cause a notice of suspension to be given to the owner of the dwelling unit. The notice of suspension shall be mailed by certified mail addressed to the owner of the dwelling unit at such owner's last known address. The notice shall be

deemed complete upon mailing. It shall be the responsibility of such owner to notify the city in writing of any change in the owner's mailing address from the address specified on the owner's application for minimum rental housing occupancy permit and on the owner's application for annual registration.

21.0906.3 Appeal of suspension. The owner may appeal the notice of suspension by filing a written notice of appeal with the city clerk within 20 days of the date of mailing of the notice of suspension, in the manner described in section 21.0907 of this division. The failure of the owner to timely file an appeal of the suspension shall constitute a waiver of the owners' right to contest the suspension of the occupancy permit for any purpose in all subsequent proceedings with respect to such dwelling unit, including any contest based upon such owner not having received the notice of suspension, if the notice was sent to the owner at the address specified by the owner's most recently filed application for minimum rental housing occupancy permit or application for annual registration, as provided in subsection (c) of section 21.0905.

21.0906.4 Effective date of suspension. Any suspension of an owner's minimum rental housing occupancy permit covering a dwelling unit shall become effective at the end of thirty (30) days if the property is occupied, unless suspension is due to immediate life or safety hazard. Inspector has the discretion to extend date of suspension to no more than ninety (90) days. If property is vacant than suspension becomes effective immediately.

21.0907 Appeal

21.0907.1 Filing of appeal. Any appeal of the assessment of infraction points or appeal of the suspension of occupancy permit under this division shall be in writing, mailed or delivered to the office of city clerk at 101 W 4th St. S, Newton, Iowa 50208, with in the required time as provided in this division.

21.0907.2 Notice Requirements. Any notice of appeal under this division shall contain the following information:

21.0907.2(A) The name, current mailing address, and current telephone number, including area code, of the owner of the dwelling unit.

21.0907.2(B) The complete address, including apartment number, if any, of the dwelling unit to which the appeal relates.

21.0907.2(C) A copy of the notice to which the owner's appeal relates, or, in lieu thereof, a description of the notice to which the appeal relates.

21.0907.2(D) A brief summary of the facts and circumstances in support of the owner's appeal.

21.0907.2(E) The name, address and telephone number, including area code, of the representative of the owner who will participate in the appeal if the owner is not a natural person.

21.0907.3 Written Notice. The city clerk shall send a written notice by ordinary mail to the owner at the owner's mailing address listed in the notice of appeal, of the

date, time and location of the hearing on the owner's appeal at least 10 days prior to the date of hearing. The notice of hearing on the appeal shall be deemed complete upon mailing.

21.0907.4 Hearing. The hearing on the owner's appeal shall be conducted in accordance with the provisions of section 21.0909 of this division.

21.0908 Board of Rental Housing Appeals

21.0908.1 Board. There is hereby established a Board of Rental Housing Appeals, and shall consist of the City of Newton Building and Trades Board.

21.0908.2 Appeal. The board shall hear and consider all appeals of assessment of infraction points and appeals of suspensions of occupancy permits under this division.

21.0909 Hearing on appeals: decision; effect of decision

21.0909.1 Time. The hearing on the appeal shall be scheduled for a date that is within 30 days of the date of filing of the notice of appeal with the city clerk.

21.0909.2 Owner Representative. At the hearing on the appeal, the owner, or the owner's representative if the owner is not a natural person, may appear at the hearing. The owner may be represented by legal counsel at owner's expense.

21.0909.3 City Representative. At the hearing, the city shall be represented by the city officer or employee who was involved in the investigation of the founded complaint together with a representative of the city attorney's office.

21.0909.4 Burden of Proof. The party who is appealing shall have the opportunity to be heard and to present evidence as to why the notice of assessment of infraction points, or the notice of suspension of the occupancy permit, as the case may be, should be modified or denied. The party who is appealing shall have the burden of proof to show that the notice of assessment of points or the notice of suspension would be modified or denied by clear, satisfactory and convincing evidence.

21.0909.5 City Position. The City shall have the opportunity to be heard and may present evidence as to why the notice of assessment of infraction points, or the notice of suspension of the occupancy permit, as the case may be, should be sustained.

21.0909.6 Decision. The board, by majority vote, may sustain, modify or deny the assessment of infraction points or the suspension of the occupancy permit, as the case may be, in a manner deemed appropriate, including assessment of fewer infraction points against the dwelling unit than contained in the notice, or suspension for a lesser period, of time provided for in the notice or in this division. The board shall issue a written decision in accordance with its findings of fact, based upon the evidence presented at the hearing on the record as a whole and based upon any relevant circumstances, including but not limited to the provisions of section 21.0905(b).

21.0909.7 Open Meetings. Hearings conducted under this division shall be open to the public during the presentation of testimony or other evidence and during any argument or discussion that the board may permit. Upon completion of the presentation

of evidence, argument and discussion, the board shall make findings of fact and determination based thereon, either at the hearing or within the time specified in this subsection. The board may request assistance from the city attorney's office in formalizing its findings and determinations, which shall be issued in written form. Such findings and determinations shall be made and issued within 30 days after the date of hearing.

h) Either the owner or the city may appeal the decision of the board to a court of competent jurisdiction within 20 days of the date of the written decision of the board. If the decision is not appealed in a timely manner, it shall become final.

21.0910 Posting, mailing and filing of notice of suspension; record of suspensions

21.0910.1 Posting and Mailing. For any suspension of the minimum housing occupancy permit of a dwelling unit that becomes final either when no appeal is timely filed, or if an appeal is filed, then when the decision on appeal becomes final, the city clerk shall cause to be posted at the dwelling unit, mailed to the owner, mailed to the dwelling unit and filed in the office of the recorder of Jasper County, Iowa, a notice of suspension with the complete address of the dwelling unit is located. The notice shall contain the effective date of the suspension, and its duration, and that the entering into an oral or written lease of the dwelling unit, the collection of rent on, or allowing the occupancy of or occupying , the dwelling unit during or applicable to the period of the suspension is prohibited.

21.0910.2 Filing and Records. The city clerk shall keep a record of each dwelling unit whose minimum rental housing occupancy permit has been suspended under this division, and shall make such record available to the public inspection during the hours of office of the city clerk is open. The record shall include the address of the dwelling unit, including unit number or apartment number; the effect date of the suspension of the occupancy permit of such dwelling unit; the duration of such suspension; and the name and address of the owner of the property upon which the dwelling unit is located.

21.0911 Defense of suspension; retention of previous infraction points

21.0911.1 Defense of Suspension. It shall be a defense to a suspension proceeding if the owner has, prior to the date of filing of the notice of appeal, commenced and has made a good-faith effort to successfully complete all legal proceedings, including recovery of possession of the dwelling unit, necessary under Iowa law to evict all of the tenants who occupied the dwelling unit with respect to which the suspension relates at the time the founded complaint which resulted in the issuance of the notice of suspension occurred. The board may, in its sole discretion, grant a delay of not more than 30 days in scheduling the date of the hearing on the notice of suspension, if the owner presents documentation with the filing of the appeal demonstrating that such eviction proceedings have been initiated by the owner with respect to the tenants of such dwelling unit, and such proceedings are being diligently prosecuted by owner.

21.0911.2 Infraction Point Remain. If defense to a suspension proceeding is established under section 21.0911.1 of this section, then the number of infraction points which had been assessed against the dwelling unit prior to the occurrence of the founded complaint upon which the notice of suspension was based shall remain in effect against the dwelling unit despite the establishment of the defense of the suspension.

However, the board shall have discretion to remove some or all of the infraction points which have been assessed against the owner of the dwelling unit under appropriate circumstances, which include a finding by board that:

21.0911.2(A) The owner has succeeded in evicting the tenants who occupied the dwelling unit at the time the infraction points in question were assessed to such dwelling unit, or such tenants have all voluntarily vacated the dwelling unit and the lease has been terminated;

21.0911.2(B) The owner has sold the property upon which the dwelling unit is located in an arm's length transaction to an unrelated party;

21.0911.2(C) Such other circumstances exist as, in the reasonable judgment of the board; justify removal of some or all of the infraction points theretofore assessed against the owner of the dwelling unit.

21.0912 Occupancy While Suspended. It is unlawful to lease, collect rent on, or occupy dwelling unit whose occupancy permit has been suspended.

21.0912.1 Agreement. It shall be unlawful and a violation of this article for the owner of the dwelling unit to enter into an oral or written lease of, collect rent on, or allow the occupancy of, any dwelling unit whose occupancy permit has been suspended under the provisions of this division, during or applicable to the period of suspension.

21.0912.2 Posting. It shall be unlawful and a violation of this article for any person to occupy any dwelling unit whose occupancy permit has been suspended under the provisions of this division during the period of suspension, once the notice of suspension has been posted at the dwelling unit and mailed to the dwelling unit.

21.0912.3 Penalty. Any violation of 21.0912.1 or 21.0912.2 of this article shall constitute a municipal infraction punishable by a civil penalty as provided in section 1.0109 of the City of Newton Code of Ordinances.

21.0913 Other relief: In addition to any of the remedies or procedures set forth in this article, the city attorney is authorized to file for injunctive relief to abate any public nuisance that is based upon founded complaint of a violation described in this division, or to file any other legal proceedings to enforce the provisions of this division, this article, or of this code.

21.0914 Other penalties: The city may issue a municipal infraction citation to the owner or any occupant of a dwelling unit, or both, for a violation of any of the provisions of this chapter or of this Code, in addition to the assessment of infraction points against such dwelling unit under this division for the same conduct or incident

which forms the basis of the municipal infraction citation or citations against the owner or occupant of such dwelling unit.