

COPY OF NOTICE
EXHIBIT "A"

AFFIDAVIT OF PUBLICATION



STATE OF IOWA }
SCOTT COUNTY, } ss.

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE MUSCATINE JOURNAL, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is hereto annexed as Exhibit "A" and made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the following dates:

2/1

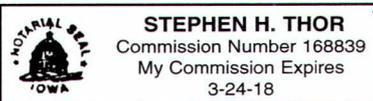
The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

Maisa Popp

Subscribed and sworn to before me by said affiant this _____ day of February _____ 20 18

Stephen H Thor

Notary Public in and for Scott County, Iowa



**ORDINANCE NO. 94139-0118
AN ORDINANCE AMENDING TITLE 8
OF THE CITY CODE, BUILDING
REGULATIONS, HOUSING CODE
ORDINANCE**

WHEREAS, The current housing ordinance contained in Title 8 of City Code, is structured to implement the 2015 Title 8 ordinance. In June of 2015, a new Housing Code Ordinance was adopted. Rewriting the housing code ordinance is an important step in understanding the Code as it was written; and

WHEREAS, Because of the scope of re-writing the housing code ordinance, the project was divided into two areas; the first set of changes was to update the definitions. In addition to these changes, there were also formatting and minor updating being proposed for the rest of Title 8 to make it clearer to understand; and

WHEREAS, a public hearing was held on December 21, 2017, by the City Council of Muscatine prior to the adoption this ordinance.

**NOW, THEREFORE BE IT ORDAINED
BY THE CITY COUNCIL OF THE CITY
OF MUSCATINE, IOWA:**

SECTION 1. The currently adopted versions of Title Eight of the City Code are hereby deleted and Exhibit A as attached is adopted in lieu thereof, the entire City Code is available in the City Clerk's Office or online at www.muscatineiowa.gov.

SECTION 2. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is repealed.

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

PASSED, APPROVED, AND ADOPTED
this 18th day of January, 2018.

Gregg Mandsager
City Clerk

**By the City Council of the City of
Muscatine, Iowa**

/s/ Diana L. Broderson, Mayor

First Reading: December 21, 2017

Second Reading: January 4, 2018

Third Reading: January 18, 2018

Publication: February 1, 2018

The following is a summary of the changes made by this ordinance to Title 8 of City Code. Full text of Title 8 can be found in the City Clerk's Office or online at www.muscatineiowa.gov.

The current housing ordinance contained in Title 8 of City Code, is structured to implement the 2015 Title 8 ordinance. In June of 2015, a new Housing Code Ordinance was adopted. Rewriting the housing code ordinance is an important step in understanding the Code as it was written.

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The revised Building Codes and Housing Ordinance has sufficient flexibility to be adapted to unique and difficult site conditions and to preserve the unique character of individual neighborhoods. The Housing Ordinance has also been made to be a userfriendly through the use of illustrations and tables.

Following is an overview of the changes.

Formatting and Minor Updating

This revision to the Housing Ordinance created single topic chapters. Each single topic chapter will contain all relevant regulations relating to the topic covered by the chapter. This is a significant change from the previous format of the current Housing Ordinance.

This revision also contains minor ministerial updating to referenced job titles and department/organizational names throughout Title 8. Many referenced job titles and department/organizational names were obsolete and therefore, updated to reflect the current name or title. For example, references to the Building and Zoning Department were changed to correctly reference the Community Development Department.

Updates to the Definitions in Title 8-5-2

There are a couple of updates to the definition section of the Housing Code in reference to the delineation between a rental facility license and a rental unit registration. Also, the definitions clarify some of the items identified that were confusing to the reader of the existing code.

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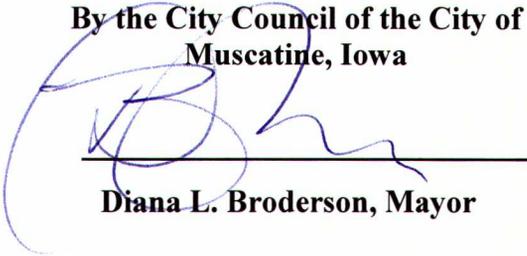
Attest:



Gregg Mandsager
City Clerk

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Second Reading: January 4, 2018
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**By the City Council of the City of
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Diana L. Broderson, Mayor

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Updates to the Definitions in Title 8-5-2

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EXHIBIT A

8-5-4 License, Registration, and Inspection Requirements for Rental Facilities and Rental Units

- A. Purpose.** It is the purpose of this chapter to ensure that property owners, their agents and others, meet their responsibilities with respect to proper operation and maintenance of rental housing facilities and to provide for inspection as a means of compelling compliance therewith. It is not the purpose of this chapter to create any duty on the part of the city, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this chapter to create any duty or liability by the city, its officers, agents, or employees, to premises' occupants, owners, tenants, or any other person.
- B. Warning.** No person shall place reliance upon this chapter, any inspections performed or licenses or certificates issued pursuant to this chapter, as indicating the safety of or quality of construction of any particular premises. Neither this chapter nor inspections made pursuant thereto nor licenses nor certificates issued are intended to assume the duty of any person to adequately construct and maintain a premises or provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A license issued or certification that a premises has been inspected or registered pursuant to this chapter shall not in any way constitute a warranty or guarantee of the safety or quality of that premises.
- C. Indemnification.** The applicant for any Rental Facility License or registrant for any Rental Unit Registration Certificate issued under this chapter, by making such application or registration, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such Rental Facility License or Rental Unit Registration Certificate or the doing of anything thereunder, or the failure of such applicant, or the agents, employees or servants of such applicant or registrant, to abide by or comply with any of the provisions of this chapter or any other ordinance of the city; and such applicant or registrant, by making such application or registration, forever indemnifies the city, its officers and employees and agrees to save it and them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the city, its officers or employees may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of any license or certificate issued under this chapter whether expressly recited therein or not.
- D. Rental Facility License and Rental Unit Registration Required.** No owner or operator shall rent, or offer for rent, any Rental Facility or Rental Unit for use in whole or in part for human habitation, unless:
1. A valid Rental Facility License has been issued for the Rental Facility, and
 2. Each Rental Unit is registered annually and a valid Rental Unit Registration Certificate has been issued for the Rental Unit.

All residential Rental Facilities or Rental Units being let for rent and/or occupancy without a valid Rental Facility License or Rental Unit Registration with the City and fees paid may be ordered vacated and/or the owner shall be subject to a fine and/or municipal infraction, the amount of which shall be established by resolution of the city council and set out in Appendix D of this Code of Ordinances.

E. Rental Facility License.

1. Definition: "Rental Facility License" shall mean a license issued by the City of Muscatine for a structure containing one or more rental units subject to regulation under this Chapter, which, when issued, shall authorize the owner or operator to let the Licensed Rental Facility for rent, provided that all other provisions of this Code are complied with and remain complied with for the duration of the license.
2. Application Requirements: Application for Rental Facility License required by this Code shall be made to the Building Official at least thirty (30) days prior to initial occupancy as a rental property or at least thirty (30) days prior to expiration of an existing Rental Facility License. The Application shall be on such form and detail as prescribed by the Building Official.
3. Rental Facility License Fees. Rental Facility License fees may be set forth by resolution of the City Council and as set out in Appendix D to this Code of Ordinances and payment thereof may accompany the application for Rental Facility License.
4. Grounds for Issuance. Following payment of all Rental Facility License Fees, submission of a proper Application, on forms provided by the Building Official, and an Initial Inspection by the City of the Rental Facility for compliance with provisions of this Chapter, the Building Official shall issue a valid Rental Facility License to the Owner.
5. Grounds for Revocation or Denial of Rental Unit Registration Certificate. Revocation of the Rental Unit Registration Certificate is at the discretion of the Building Official. The Building Official may revoke or deny renewal of any Rental Unit Registration Certificate issued under this Subchapter where any of the following applies:
 - i. False statements on any application or information or report required by this Subchapter to be given by the applicant, registrant, or permit holder;
 - ii. Conviction or judgment of the licensee for violation of any provision of this Housing Code;
 - iii. Refusal by the owner to permit inspection by authorized personnel of the rental property or unit;
 - iv. Failure to pay any application, penalty, re-inspection, or reinstatement fee required by this Chapter as set out in Appendix D of this Code of Ordinances;
 - v. Failure to comply with the provisions of an approved mitigation/remediation plan by the Building Official;
 - vi. Failure to comply with the provisions of the Title VIII of the Fair Housing Act of 1968 (as amended);
 - vii. Declaration of status as a Dangerous or Unsafe Building or Structure pursuant to 9-3-3(R) of this Code of Ordinances;
 - viii. Declaration of Status as dangerous or substandard building as defined by Section 8-5-9 of this Chapter; and
 - ix. Frequent and recurrent noncompliance with the provisions of this Chapter.

The owner or agent of the affected property shall be notified in writing by certified mail of the license or registration revocation or denial.

6. Grounds for Emergency Revocation of License. If, at the discretion of the Building Official, an emergency exists which threatens the immediate health, safety or general welfare of the occupant or general public, the Building Official may immediately issue an order revoking the Rental Facility License. Upon issuance of the order, the occupant of the Rental Facility shall immediately vacate the premises until the Rental Facility License is reinstated. A Rental Facility License will apply to any Rental Unit within its Facility; however, authorization to rent a particular Rental Unit within a Rental Facility may be revoked without effect on the other units for which the License was issued if the Building Official revokes the Rental Unit Certificate of Registration as provided for in City Code section 8-5-4(C)(6).
7. Rental Facility License Term. Rental Facility Licenses will be issued for a term of three years, and shall be renewed by filing an application with the Building Official as provided for herein no later than thirty (30) days prior to the expiration of the License, provided that an Initial Inspection as set forth in City Code section 8-5-4(E)(1) is completed and all other provisions of this Chapter are complied with.
8. Duty to Report Changes. The property owner is responsible for informing the Building Official of any subsequent changes to any information on the Rental Facility Application which has changed.

F. Rental Unit Registration.

1. Definition: "Rental Unit Registration" shall mean registration of any given dwelling unit with a duly licensed Rental Facility with the City of Muscatine, which, when filed with the City, shall authorize the owner or operator to let the dwelling unit which is the subject of the Rental Unit Registration for rent or occupancy, provided that all other provisions of this Chapter are complied with and remain complied with for the duration of the Rental Unit Registration Certificate.
2. Registration Form Requirements and Fees: Rental Unit Registration required by this Code shall be made to the Building Official at least thirty (30) days prior to initial occupancy as a rental unit or at least thirty (30) days prior to expiration of an existing Rental Unit Registration. If the Rental Unit Registration is for initial occupancy of a Rental Unit which does not have a valid Rental Facility License, the Rental Unit Registration shall accompany a Rental Facility License application as provided in City Code section 8-5-4(E) above. The Registration shall be on such form and detail as prescribed by the Building Official. If the Application is for a Rental Unit for which an Initial Inspection is not necessary as provided for in City Code section 8-5-4(H)(1), the Application shall be accompanied by a report of self-inspection as set forth in City Code section 8-5-4(F)(3).
3. Initial Inspection Requirements. After receiving a new Application for a Rental Unit Registration under this Chapter, the Building Official shall cause an Initial Inspection to be scheduled for the Unit as set forth in City Code section 8-5-4(H)(1).
4. Self-Inspection Requirements. During the interim years between issuance and renewal of a Rental Facility License (i.e., years two and three of the Rental Facility License), when annually registering a Rental Unit for which the Rental Facility License has not expired or been revoked, the property owner shall include, with its annual registration form and payment of fees, a signed Certificate of Self Inspection that states the property owner has inspected the rental property and he or she has determined that property to be in compliance with the Housing Code. Such Certificate of Self Inspection shall also include an itemized list of items inspected so as to form the basis of the owner's representation that the property is in compliance with the Housing Code.

5. Registration Fees. Rental Unit Registration fees shall be as set forth by resolution of the City Council and as set out in Appendix D to this Code of Ordinances and payment thereof shall accompany the application for Rental Unit Registration.
6. Grounds for Issuance of Rental Registration Certificate. Following payment of all Rental Unit Registration fees, submission of a proper Application, on forms provided by the Building Official, and initial inspection of the Rental Unit or a report of Self Inspection as provided for herein, the Building Official shall issue a valid Rental Unit Registration Certificate to the Owner.
7. Grounds for Revocation or Denial of Rental Unit Registration Certificate. Revocation of the Rental Unit Registration Certificate is at the discretion of the Building Official. The Building Official may revoke or deny renewal of any Rental Unit Registration Certificate issued under this Subchapter where any of the following applies:
 - i. False statements on any application or information or report required by this Subchapter to be given by the applicant, registrant, or permit holder;
 - ii. Conviction or judgment of the licensee for violation of any provision of this Housing Code;
 - iii. Refusal by the owner to permit inspection by authorized personnel of the rental property or unit;
 - iv. Failure to pay any application, penalty, re-inspection, or reinstatement fee required by this Chapter as set out in Appendix D of this Code of Ordinances;
 - v. Failure to comply with the provisions of an approved mitigation/remediation plan by the Building Official;
 - vi. Failure to comply with the provisions of the Title VIII of the Fair Housing Act of 1968 (as amended);
 - vii. Declaration of status as a Dangerous or Unsafe Building or Structure pursuant to 9-3-3(R) of this Code of Ordinances;
 - viii. Declaration of Status as dangerous or substandard building as defined by Section 8-5-9 of this Chapter; and
 - ix. Frequent and recurrent noncompliance with the provisions of this Chapter.The owner or agent of the affected property shall be notified in writing by certified mail of the license or registration revocation or denial.
8. Grounds for Emergency Revocation of Certificate of Registration. If, at the discretion of the Building Official, an emergency exists which threatens the immediate health, safety or general welfare of the occupant or general public, the Building Official may immediately issue an order revoking the Rental Registration Certificate for a particular Rental Unit. Upon issuance of the order, the occupant of the Rental Unit shall immediately vacate the premises until the Rental Unit Certificate is reinstated. Authorization to rent a particular Rental Unit within a Rental Facility may be revoked without effect on the other units for which a Rental Facility License was issued.
9. Rental Unit Certificate Term. Rental Unit Registration Certificates will be valid for a term of one year after the date of issuance, and shall be renewed by filing an application with the Building Official as provided for herein prior to the expiration of the Certificate, provided that an Initial Inspection as set forth in City Code section 8-5-4(H)(1) or a Report of Self Inspection as required by City Code section 8-5-4(F)(3) has been completed and all other provisions of this Chapter are complied with. The Rental Unit Registration may not be renewed unless all required fees have been paid in full for all rental units of which the applicant is an owner.
10. Duty to Report Changes. The property owner is responsible for informing the Building Official of any subsequent changes to any information on the Rental Unit Registration which has changed

G. Reinstatement of License and Registration Certificate. The Building Official will reinstate a revoked Rental Facility License or Certificate of Rental Unit Registration only after a regular inspection has been completed, reinstatement fees have been paid in full, and the Rental Facility or Rental Unit has been brought into compliance with the applicable standards of this Code. Reinstatement of the Rental Facility License or Rental Unit Registration shall not extend or change the next inspection date of the Rental Facility License or Rental Unit Registration.

H. Inspection of Rental Property

1. **Initial Inspection Required.** An initial inspection is an inspection of a Rental Facility or Rental Unit that has not previously received a Rental Facility License, and also for a Rental Facility that has previously received a license, but whose license is scheduled to or has expired. The initial inspection shall be scheduled with the Building Official or his or her designee following receipt of a Rental Facility License Application and is required before any Rental Facility or Rental Unit therein may be occupied.
2. **Regular Rental Inspection.** Regular rental inspections of rental facilities, rental units, and the common areas thereof, shall be inspected in accordance with a program of rental inspections conducted not more frequently than yearly nor less frequent than every three (3) years per Rental Facility License and Rental Unit Registration.
3. **Other Rental Inspection.** Rental facilities and units may be inspected on a more frequent basis to ensure compliance with this code based upon one (1) or more of the following:
 - i. Information is received indicating that there is a violation of provisions of this Code, or any state or federal regulations;
 - ii. An observation is made by a Building Official, or police officer, or fire Building Official, or any other Government official of a possible violation of the standards or the provisions of this code or any state or federal laws;
 - iii. Information is received indicating that a rental facility or rental unit is unoccupied and unsecured or that a rental unit is damaged by fire, water, or other causes detrimental to the structure;
 - iv. A determination must be made whether there is compliance with a notice or an order issued by a Building Official;
 - v. A public health safety or welfare emergency is observed or is reasonably believed to exist;
 - vi. A tenant makes a request for an inspection. If a tenant requests a non-emergency inspection, then the City of Muscatine shall give a written notice to the owner. Fourteen (14) days after the written notification to the owner, an inspection may be conducted by the Building Official;
 - vii. A Rental facility's ownership is to be transferred to the City of Muscatine, Iowa;
 - viii. A property is declared a Dangerous or Unsafe Building or Structure pursuant to Section 9-3-3(R) of this Code of Ordinances; and
 - ix. A property is declared a Substandard Building pursuant to Section 8-5-9 of this Chapter.

I. Non-Transferability and Notification of Change. Rental Facility Licenses and Rental Registration Certificates shall not be transferred from one owner to another. The owner of any rental facility or unit shall notify the Building Official within thirty (30) days of any change in the information required for Rental Facility License or Rental Unit Registration. If a rental facility or unit is sold, assigned, or otherwise transferred, the rental facility/unit must be re-licensed and re-registered within thirty (30) days of the transfer. The new owner shall notify the Building Official of any change in contact information for

their designated local representative, including a change in name, mailing address, e-mail address, telephone number, mobile telephone number, or facsimile number of the designated local representative within thirty (30) business days of the change.

- J. Provisional Approval.** The Building Official may grant owners of Rental Units and Rental Facilities provisional approval to let for rent or occupancy their rental facility or unit, as the case may be, while formal issuance of Rental Facility License or Rental Unit Registration Certificate is pending, provided that all requirements for issuance of the Certificate of Rental Facilities License or Rental Unit Registration are satisfied.

- K. Fee Schedule.** Fees shall be charged for services rendered in relation to this Section. These services include but are not limited to the following: registration, inspections, failure to appear for any scheduled inspections, and late cancellations. The amounts shall be established by resolution of the City Council and are set out in Appendix D of this Code of Ordinances. As a nuisance abatement remedial measure, the fee schedule shall include any unpaid nuisance abatement fees or costs that have been incurred by the City of Muscatine and a per tax parcel per response surcharge for police and fire department responses, excluding emergency medical responses, in an amount equal to the approximate cost of the response, plus a processing fee, for all responses above the nuisance threshold set forth immediately below within a calendar year. The nuisance threshold is exceeded if the number of responses is greater than three (3) times the number of units on the tax parcel. In the case of police, fire or rescue responses (excluding domestic violence calls), the number shall be based upon founded calls. Within ten (10) days of the date of a surcharge invoice, the owner may request the Community Development Department review the call log to verify the number of responses and provide the owner with the dates and nature of the responses included in the bill.

EXHIBIT B

8-5-2 Definitions. For the purpose of this Housing Code, certain terms, phrases, words, and their derivatives shall be construed as specified in this Chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Whenever the words "dwelling", "dwelling unit", "rooming house", or "premises" are used in this Housing Code, they shall be construed as though they were followed by the words "or any part thereof".

- A. "Acceptable" or "approved" shall mean in substantial compliance with the provisions of the Housing Code, or the intent of the Code as approved by the Building Official or his/her designated representative.
- B. "Accessory structure" shall mean a structure, which is not used, nor intended to be used, for living or sleeping by human occupants.
- C. "Appurtenance" shall mean that which is directly or indirectly connected or an accessory to some other structure.
- D. "Basement" shall mean a story having at least 1/2 of its height below grade.
- E. "Bath" shall mean a bathtub or shower stall connected with both hot and cold water lines.
- F. "Cellar" shall mean a space having its principal height below the first or main floor which is used, or intended to be used, for storage, location for heating equipment, etc., and shall not be considered habitable space.
- G. "Certificate of Structural Compliance" shall mean a document showing that the structure for which it is issued was in compliance with the City of Muscatine Housing Code at the time of issuance.
- H. "Communal" shall mean used or shared by, or intended to be used or shared by, the occupants of two (2) or more rooming units or two (2) or more dwelling units.
- I. "Condominium" shall mean a dwelling unit, which is in compliance with the requirements of 499B of the Code of Iowa, as amended.

- J. "Cooperative" shall mean a dwelling unit, which is in compliance with the requirements of 499A of the Code of Iowa, as amended.
- K. "Court" shall mean an open unoccupied space, which is more than 50% enclosed by buildings.
- L. "Dining room" shall mean a habitable room used, or intended to be used, for the purpose of eating, but not for cooking or the preparation of meals.
- M. "Dwelling" shall mean any building or structure which is wholly or partly used, or intended to be used, for living or sleeping by human occupants and includes any appurtenances attached thereto.
- N. "Dwelling unit" shall mean any habitable 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, and eating of meals.
- O. "Extermination" shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Inspector.
- P. "Filth" shall mean excrement, either animal or human, or any material connected therewith.
- Q. "Garbage" shall mean animal or vegetable waste resulting from the handling, preparation, cooking, or consumption of food and shall also mean combustible waste material. The term shall also include paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, and other combustible materials.
- R. "Habitable room" shall mean a room, or enclosed space, having a minimum of seventy (70) square feet of total floor area within a dwelling unit or rooming unit used, or intended to be used, for living, sleeping, cooking, or eating purposes, excluding bathrooms, toilet rooms, pantries, laundries, foyers, corridors, closets, storage spaces, and stairways.
- S. "Infestation" shall mean the presence, within or around a dwelling, of any insects, rodents, or other pests in such quantities as would be considered unsanitary.

- T. "Inspector" shall mean the official or officials of the City of Muscatine delegated the responsibility to administer the provisions of the Housing Code, together with his or her duly authorized representative(s) and/or agent(s).
- U. "Kitchen" shall mean a habitable room used, or intended to be used, for cooking or the preparation of meals.
- V. "Kitchenette" shall mean a food preparation area of not less than forty (40) square feet.
- W. "Lavatory" shall mean a hand-washing basin which is connected to both hot and cold water lines and which is separate and distinct from a kitchen sink.
- X. "Multiple dwelling" shall mean any dwelling containing three (3) or more dwelling units.
- Y. "Nuisance" shall mean any item or items as defined in Title9, Chapter3, of the City Code.
- Z. "Occupant" shall mean any person, including the owner or operator, living in, sleeping in, and/or cooking in, or having actual physical possession of a dwelling unit or a rooming unit.
- AA. "Operator" shall mean any person who rents to another or who has custody or control of a building, or parts thereof, in which dwelling units or rooming units are let and who has custody and control of the premises.
- BB. "Owner" shall mean any person who has control of any dwelling, dwelling unit, or rooming unit by virtue of a contractual interest in or legal or equitable title to said dwelling, dwelling unit, or rooming unit. An owner who has sold the premises on a legally recorded contract but retains legal title shall not be deemed an owner hereunder.
- CC. "Person" shall mean any individual, firm, corporation, association, partnership, trust, or estate.
- DD. "Plumbing" shall mean and include any or all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, toilets, sinks, lavatories, bathtubs, showers, water heating devices, catch basins, drains, vents, and other similar supplied fixtures, together with all connections to water, sewer, or gas services.

- EE. "Premises" shall mean a lot, plot, or parcel of land including all building(s) thereon.
- FF. "Refuse" shall mean waste materials (except human waste) including garbage, rubbish, ashes, and dead animals.
- GG. "Rental Facility (Residential Rental Facility)" shall mean a structure containing one or more dwelling units, rooming units, or sleeping units, or any structure or part of a structure used as a home, residence, or sleeping unit by a single person, household unit, or any person(s) other than the legal owner or other person in control of such unit(s), whether by day, week, month, year or any other term, regardless of monetary exchange.
- HH. "Rental Facility License" shall mean a license issued by the City of Muscatine for a structure containing one or more rental units subject to regulation under this Chapter, which, when issued, shall authorize the owner or operator to let the Licensed Rental Facility for rent, provided that all other provisions of this Code are complied with and remain complied with for the duration of the license.
- II. "Rental Unit (Residential Rental Unit)" shall mean a dwelling unit, rooming unit, or sleeping unit, or any structure or part of a structure used as a home, residence, or sleeping unit by a single person, household unit, or any person(s) other than the legal owner or other person in control of such unit(s), whether by day, week, month, year or any other term, regardless of monetary exchange. The term Rental Unit or Residential Rental Unit may refer to a unit within a Rental Facility, as context requires.
- JJ. "Rental Unit Registration" shall mean registration of any given dwelling unit with a duly licensed Rental Facility with the City of Muscatine, which, when filed with the City, shall authorize the owner or operator to let the dwelling unit which is the subject of the Rental Unit Registration for rent or occupancy, provided that all other provisions of this Chapter are complied with and remain complied with for the duration of the Rental Unit Registration Certificate.
- KK. "Roomer." shall mean 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.
- LL. "Rooming unit" shall mean any habitable 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, primarily for living and sleeping and contain no cooking equipment except that a properly connected and safely operated microwave shall be permitted. A rooming unit shall have a bath and toilet facilities available for exclusive use by the occupant(s) or for communal use in accordance with Sections 8-5-6(E)1 and 8-5-6(E)2.
- MM."Rubbish" shall mean inorganic waste material consisting of primarily noncombustible materials.
- NN. "Supplied" shall mean paid for, furnished by, provided by, or under the control of the owner or operator.



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COMMUNITY DEVELOPMENT

**Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement**

Date: December 19, 2017
To: Mayor and City Council
From: Dave Gobin, Community Development Director
Cc: Gregg Mandsager, City Administrator
Re: Rental Property Codes & Definitions Ordinance

INTRODUCTION: Since 2015, the Community Development Department has been adhering to a revised rental housing program that was approved by Council.

BACKGROUND: Although we have been administering the new program with some simple adjustments to the existing code, it appeared that most, including our staff, got confused on its implementation. Therefore, we had our City Attorney rewrite the code to reflect the program that was approved by Council in 2015. He also updated some of the definitions.

Now we bring forth a new Ordinance to be read to the public in its due process of being approved.

RECOMMENDATION: We are requesting that Council approve a Resolution to proceed with an ordinance, as submitted, to adopt the new language and definitions for the rental property codes under Section 8: Chapter 5.