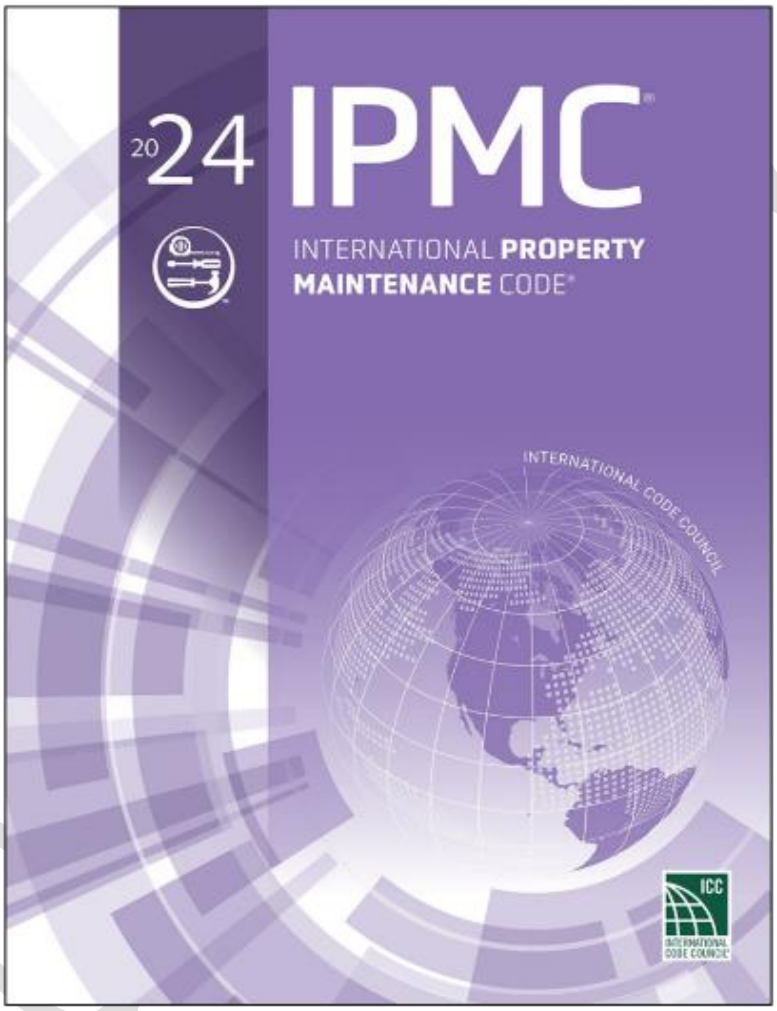
Chapter 29 - 2024 Housing & Property Maintenance Code



2024 International Property Maintenance Code® + Local Amendments

PASSED BY CEDAR RAPIDS CITY COUNCIL ON JULY 23, 2024

This document has local amendments made to the 2024 IPMC® and is approved by the City of Cedar Rapids City Council. This document is not made to replace the 2024 IPMC® and is to be used as a supplement to the adopted 2024 IPMC for easier navigation.

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CHAPTER 29 - The 2024 HOUSING & PROPERTY MAINTENANCE CODE

The 2024 International Property Maintenance Code
plus adopted local amendments is Chapter 29 of the
Municipal Code of the City of Cedar Rapids, Iowa

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"HOUSING & PROPERTY MAINTENANCE CODE"

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SUBCHAPTER 1

SCOPE AND ADMINISTRATION

PART 1 — SCOPE AND APPLICATION

SECTION 101 - SCOPE & GENERAL REQUIREMENTS

29.01 International Property Maintenance Code 2024 Adopted. Except as hereinafter added to, deleted, modified, or amended, there is hereby adopted as the Housing and Property Maintenance Code of the City of Cedar Rapids, Iowa, that certain code known as the International Property Maintenance Code, First Printing: July 2023 ("IPMC"), including Appendix A and B, as published by the International Code Council.

The provisions of said Housing and Property Maintenance Code shall be for: regulating and governing the conditions and maintenance of all property, essential to ensure that structures are safe, sanitary, and fit for occupancy and use; the condemnation of buildings and structures unfit for human occupancy and use; the demolition of such existing structures as provided within the corporate limits of the City of Cedar Rapids, Iowa; the regulation of rental property and regulation of vacant and neglected buildings.

101.1 (29.02) Title. These regulations shall be known as the Cedar Rapids Housing and Property Maintenance Code which includes the 2024 International Property Maintenance Code with these local amendments, hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential *structures* and all existing *premises* and constitute minimum requirements and standards for *premises, structures*, equipment and facilities for light, *ventilation,* space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners,* an *owner*'s authorized agent, *operators* and *occupants;* the *occupancy* of existing *structures* and *premises,* and for administration, enforcement and penalties.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.3 Purpose. The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general welfare insofar as they are affected by the continued *occupancy* and maintenance of *structures* and *premises*. Existing *structures* and *premises* that do not comply with these provisions shall be altered or repaired to provide a reason- able minimum level of health, safety and general welfare as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this

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code.

SECTION 102 - APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 (29.03) Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the *structure* or *premises* was constructed, altered or repaired shall be maintained in good working order. An *owner*, *owner*'s authorized agent, *operator* or *occupant* shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing *structures*. Except as otherwise specified herein, the *owner* or the *owner's* authorized agent shall be responsible for the maintenance of buildings, *structures* and *premises*.

> **Maintenance Exception.** The owner or owner's authorized agent may by agreement allow the occupant to perform the duties specified herein. All appliances provided shall be maintained in safe working condition.

102.3 (29.04) Application of other codes. Repairs, additions or alterations to a *structure*, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the Cedar Rapids Municipal Code, which includes, but is not limited to the Building Code, Electrical Code, Fire Code, Mechanical Code, and Plumbing Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Zoning Code adopted by the City Council of Cedar Rapids, Iowa.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any *structure* that is *dangerous*, unsafe or insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's instructions.

102.6 Structural analysis. Where structural analysis is used to assess a potentially unsafe structural condition, the analysis shall be permitted to use nominal strengths, nominal loads, load effects, required strengths and limit states in accordance with the requirements under which the *structure* was constructed or in accordance with any subsequent requirement.

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102.7 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or *structures* designated as historic buildings where such buildings or *structures* are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

> **Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.
>
> **102.8.1 Conflicts.** Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.
>
> **102.8.2** Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.9 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, *structure* or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

102.10 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.11 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION 103 - CODE COMPLIANCE AGENCY

103.1 (29.05) Creation of agency. The City of Cedar Rapids Building Services Department, Code Enforcement Division, is hereby created and the official in charge thereof shall be known as the *code official*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the

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concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy *code official*, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *code official*.

SECTION 104 - FEES

104.1 (29.06) Fees. The City Council of the City of Cedar Rapids, Iowa may by resolution prescribe the occasions when fees for landlord business permits, rental registrations, rental business training, rental inspection rescheduling, rental inspections, inspections of owner-occupied units, re-inspections, registration of vacant and/or neglected structures, valid complaint inspections, are required and in what amount.

104.2 Refunds. The *code official* is authorized to establish a refund policy.

SECTION 105 - DUTIES AND POWERS OF THE CODE OFFICIAL

105.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code.

105.2 Determination of compliance. The *code official* shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code's provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

105.2.1 Technical assistance. To determine compliance with this code, the *code official* is authorized to require the owner or owner's authorized agent to provide a technical opinion and report.

105.2.1.1 Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

105.2.1.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the *code official*. The *code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

105.2.1.3 Content. The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon to identify and propose necessary recommendations.

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105.2.1.4 Test methods. Where there is insufficient evidence of compliance with the provisions of this code, the *code official* shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the *code official* shall approve the testing procedures. Such tests shall be performed by a party acceptable to the *code official*.

105.2.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been *approved*.

Exception: Performance-based alternative materials, designs or methods of construction and equipment complying with the *International Code Council Performance Code.*

105.2.2.1 Approval authority. An alternative material, design or method of construction shall be approved where the *code official* finds that the proposed alternative is satisfactory and complies with Sections 105.2.2 through 105.2.2.7, as applicable.

105.2.2.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the *code official* for approval. Where the alternative material, design or method of construction is not approved, the *code official* shall respond in writing, stating the reasons the alternative was not approved.

105.2.2.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

105.2.2.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

105.2.2.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be

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performed by a party acceptable to the *code official*.

105.2.2.5.1 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the building official.

105.2.2.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 105.2.2.6.1 and 105.2.2.6.2.

105.2.2.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency and use of the evaluation report shall require approval by the *code official* for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the *code official's* recognition of the approved agency. Criteria used for the evaluation shall be identified within the report and, where required, provided to the *code official*.

105.2.2.6.2 Other reports. Reports not complying with Section 105.2.2.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the building official. The *code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

105.2.2.7 Peer review. The *code official* is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the *code official*.

105.2.3 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases, provided that the *code official* shall first find that special individual reasons make the strict letter of this code impractical, and that the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety.

105.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *code official* has reasonable cause to believe that there exists in a *structure* or on any

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premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the *code official* is authorized to enter the *structure* or *premises* at all reasonable times to inspect or perform the duties imposed by this code. If such *structure* or *premises* is occupied, the *code official* shall present credentials to the occupant and request entry. If such *structure* or premises is unoccupied, the *code official* shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the *code official* shall have recourse to every remedy provided by law to secure entry.

105.3.1 Warrant. Where the *code official* has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner's authorized agent, occupant or *person* having charge, care or control of the structure or premises shall not fail or neglect, after proper a request is made as herein provided, to permit entry therein by the *code official* for the purposes of inspection and examination pursuant to this code.

105.4 Identification. The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

105.5 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code, in accordance with Section 107.

105.6 Official records. The *code official* shall keep official records as required by Sections 105.6.1 through 105.6.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other regulations.

105.6.1 Approvals. A record of approvals shall be maintained by the *code official* and shall be available for public inspection during business hours in accordance with applicable laws.

105.6.2 Inspections. The *code official* shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

105.6.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 105.2.2; modifications in accordance with Section 105.2.3; and documentation of the final decision of the *code official* for either shall be in writing and shall be retained in the official records.

105.6.4 Tests. The *code official* shall keep a record of tests conducted to comply with Sections 105.2.1.4 and 105.2.2.5.

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105.6.5 Fees. The *code official* shall keep a record of fees collected and refunded in accordance with Section 104.

105.7 Liability. The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from personal liability for any damage accruing to *persons* or property as a result of an act or by reason of any act or omission in the discharge of official duties.

105.7.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

105.8 Approved materials and equipment. Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

105.8.1 Materials and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved.

SECTION 106 – MEANS OF APPEAL

106.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official.*

106.2 Limitations of authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

106.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.

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106.4 Administration. The *code official* shall take action without delay in accordance with the decision of the board.

SECTION 107 - VIOLATIONS

107.1 Unlawful acts. It shall be unlawful for a *person*, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

107.2 Notice of violation. The *code official* shall serve a notice of violation or order in accordance with Section 109.4.

29.07 Violation Notice and Compliance. The *code official* shall notify the owner in writing of the basis for any inspection. If, upon completion of an inspection, a structure or property is found to be in violation of one or more provisions of this code, a notice shall be provided to the owner. If the violation is of an emergency nature, as determined by the *code official*, immediate compliance with the code is required. Otherwise, the owner shall be provided no less than 35 calendar days for correction of violation(s) and an initial re-inspection at no extra fee.

If after a re-inspection a violation has not been corrected within that period, the *code official* shall schedule a re-inspection for 14 calendar days after the initial re-inspection.

If a violation has not been corrected within that 14-day time period, then a FINAL NOTICE for seven (7) calendar days shall be issued. If a violation has not been corrected within the seven (7) calendar day period, a violation penalty shall be issued.

If violation(s) have been corrected within the time periods specified above, then a Certificate of Compliance shall be issued, if applicable. The initial re-inspection is at no extra fee; all other re-inspections may have re-inspection fee(s) charged.

If a property is not registered in accordance with Chapter 9, Rental Business Regulations, a violation notice will be provided to the owner, providing the owner 14 days to register the property and submit applicable fees in accordance with the Table of Housing Inspection Services Fees approved by the Cedar Rapids City Council. If the property is not properly registered after 14 days, then a FINAL NOTICE for seven (7) calendar days shall be issued. If the property is not properly registered within the (7) calendar day period of the Final Notice, a violation penalty shall be issued.

The owner of a motor vehicle in violation of Section 302.8.1 will be provided with a notice of violation providing 14 days to correct the violation. If after re-inspection the violation has not been corrected within the 14-day period, the *code official* shall schedule a re-inspection for 7 days after the initial re-inspection. If the violation has not been corrected within that 7-day period, then a FINAL NOTICE for 7

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calendar days shall be issued. If the violation has not been corrected within the 7-day calendar day period, a violation penalty shall be issued.

107.3 Prosecution of violation. Any *person* failing to comply with a notice of violation or order served in accordance with Section 109.4 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the *structure* in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

107.4 (29.08) Violation penalties. Any *person* who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Said prosecution may be by the filing of a misdemeanor citation or a citation for municipal infraction. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Continued violations of this code for non-compliance may result in suspension or revocation of a City of Cedar Rapids-issued Rental Unit Registration and/or Landlord Business Permit.

107.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, *structure* or *premises*, or to stop an illegal act, conduct, business or utilization of the building, *structure* or *premises*.

SECTION 108 – STOP WORK ORDER

108.1 Authority. Where the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in an unsafe manner, the *code official* is authorized to issue a stop work order.

108.2 Issuance. The stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* authorized agent, or to the *person* performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

108.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

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108.4 Failure to comply. Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.

SECTION 109 – UNSAFE STRUCTURES AND EQUIPMENT

109.1 Unsafe conditions. When a *structure* or equipment is found by the *code official* to be unsafe, or when a *structure* is found unfit for human *occupancy*, or is found unlawful, such *structure* shall be *condemned* pursuant to the provisions of this code.

109.1.1 Unsafe structures. An unsafe *structure* is one that is found to be hazardous to the life, health, property or safety of the public or the *occupants* of the *structure* by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such *structure* contains unsafe equipment or is dangerous.

109.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the *structure* that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or *structure*.

109.1.3 Structure unfit for human occupancy. A *structure* is unfit for human *occupancy* whenever the *code official* finds that such *structure* is unsafe, unlawful or, because of the degree to which the *structure* is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the *structure* constitutes a hazard to the *occupants* of the *structure* or to the public.

109.1.4 Unlawful structure. An unlawful *structure* is one found in whole or in part to be occupied by more *persons* than permitted under this code, or was erected, altered or occupied contrary to law.

109.1.5 (29.09) Hazardous structure or premises. For the purpose of this code, any *structure* or *premises* that has any or all of the conditions or defects described as follows shall be considered to be hazardous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

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3. Any building, structure or portion thereof that is dangerous.
4. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
5. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
6. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
7. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
8. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
9. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
10. Any building, structure or portion thereof, that has been used to manufacture, grow or otherwise produce a 'controlled substance', as that phrase is defined in Chapter 124 of the Iowa Code, and is not authorized for such use shall be considered unfit for human occupancy.

109.2 Closing of vacant structures. If the *structure* is vacant and unfit for human habitation and *occupancy,* and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the *structure* closed up so as not to be an attractive nuisance. Upon failure of the *owner* or *owner*'s authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be

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charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

109.2.1 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, *structure* or system regulated by this code and the referenced codes and standards set forth in Section 102.8 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or *owner*'s authorized agent and *occupant* of the building, *structure* or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, *owner*'s authorized agent or *occupant* of the building *structure* or service system shall be notified in writing as soon as practical thereafter.

109.3 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the *structure* and the nature of the unsafe condition.

109.4 Notice. Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 109.4.1 and 109.4.2 to the *owner* or the owner's authorized agent, for the violation as specified in this code. Notices for *condemnation* procedures shall comply with this section.

109.4.1 (29.10) Form. Such notice shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or *structure* into compliance with the provisions of this code.
5. Inform the property *owner* or *owner*'s authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 107.3.
7. Be effective notice to anyone having interest in the property whether recorded or not at the time of giving such notice and shall be effective against any subsequent owner of the premises as long as the violation exists and there remains an official copy of the notice in a file maintained by the *code official*.

109.4.2 (29.11) Method of service. Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered personally.

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2. A copy is sent by first-class, certified or registered mail addressed to the owner at the last known address with the return receipt requested for certified or registered mail.
3. A copy is delivered in any other manner as prescribed by local law.
4. If the person to be served is not found, then leaving a copy thereof at his or her usual place of abode or employment with a person who is at least 18 years old residing in the same abode or same place of employment.
5. In the event that more than one person has to be served under this code, failure to serve one or more such additional persons does not affect the service on the person served.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the *structure* affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the *person* responsible for the *structure* shall constitute service of notice upon the *owner*.

109.5 Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

109.6 Transfer of ownership. It shall be unlawful for the *owner* of any *dwelling unit* or *structure* who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or *structure* to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the *owner*'s authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

109.7 (29.12) Placarding. Upon failure of the *owner*, *owner*'s authorized agent or *person* responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the words "Do Not Occupy" and a statement of the penalties provided for occupying the *premises,* operating the equipment or removing the placard. Such notice shall be posted in a conspicuous place in or about the *structure* affected by such notice. If the notice pertains to equipment, it shall be placed on the *condemned* equipment.

Any building, structure or portion thereof deemed an imminent threat to the public safety or welfare or deemed to have the condition described in IPMC Section 109.1.5(10) shall be placarded immediately by the *code official*, and a notice shall be given to the owner, owner's authorized agent or person responsible as soon as practical thereafter.

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109.7.1 (29.13) Placard removal. The *code official* shall remove the placard whenever the defect or defects upon which the "Do Not Occupy" and placarding action were based have been eliminated, a full inspection as deemed necessary by the *code official* to ensure compliance with this code has been completed, and all fees owed to the city on the property have been paid in full. If placarding was caused by the condition described in IPMC Section 109.1.5(10), a full report by a certified agency or contractor deeming the premises clean or safe to occupy shall be provided to the *code official* prior to removal of the placard unless otherwise authorized by the *code official*. Any *person* who defaces or removes a "Do Not Occupy" placard without the approval of the *code official* shall be subject to the penalties provided by this code.

109.8 (29.14) Prohibited occupancy. Any occupied *structure condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any *person* who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner or owner*'s authorized agent who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

> **Exception.** Access to a placarded property is allowed only with written approval from the *code official*. Such written approval shall specify the person or persons who are allowed access to the property and the hours which such access is allowed. When approved persons access the placarded property, those persons shall have the *code official's* full written approval available at the placarded property for inspection by any *code official* or police officer.

109.9 Restoration or abatement. The *structure* or equipment determined to be unsafe by the *code official* is permitted to be restored to a safe condition. The *owner*, *owner*'s authorized agent, *operator* or *occupant* of a *structure*, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action. To the extent that repairs, alterations, or additions are made or a change of *occupancy* occurs during the restoration of the *structure*, such repairs, alterations, additions, or change of *occupancy* shall comply with the requirements of the *International Existing Building Code.*

SECTION 110 – EMERGENCY MEASURES

110.1 (29.15) Imminent danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or *structure* that endangers life, or when any *structure* or part of a *structure* has fallen and life is endangered by the occupation of the *structure*, or when there is actual or potential danger to the building *occupants* or those in the proximity of any *structure* because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or *dangerous* equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such *structure* a notice reading as follows: "Do Not Occupy." It shall be unlawful for

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any *person* to enter such *structure* except for the purpose of securing the *structure*, making the required repairs, removing the hazardous condition or of demolishing the same.

110.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such *structure* temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

110.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close *structures* and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

110.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

110.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* or *owner*'s authorized agent where the unsafe *structure* is or was located for the recovery of such costs.

110.6 Hearing. Any *person* ordered to take emergency measures shall comply with such order forthwith. Any affected *person* shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 111 - DEMOLITION

111.1 (29.16) General. When the *code official* determines any structure is dilapidated or has become so out of repair and is dangerous, unsafe, insanitary and otherwise unfit for human habitation or occupancy the *code official* can order either of the following:

1. The *code official* is permitted to authorize the owner or owner's authorized agent to make the structure safe by repairs in order to make the structure safe and sanitary. Where there has been a cessation of construction repairs of any structure for a period of more than two (2) years the structure will be ordered demolished and removed.
2. The *code official* is permitted to order the owner or owner's authorized agent to demolish and remove any such structure.
3. Boarding the building up for future repair shall not extend beyond one year and the property must be registered as a Vacant and Neglected Property in accordance with Chapter 10 of the Housing and Property Maintenance Code. Boarding for future repair shall not extend beyond one year unless approved by the *code official*.

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111.2 Notices and orders. Notices and orders shall comply with Section 109.4.

111.3 Failure to comply. If the *owner* of a *premises* or *owner*'s authorized agent fails to comply with a demolition order within the time prescribed, the *code official* shall cause the *structure* to be demolished and removed, either through an available public agency or by contract or arrangement with private *persons*, and the *cost* of such demolition and removal shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

111.4 Salvage materials. Where any *structure* has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the *person* who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

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SUBCHAPTER 2

DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Residential Code*, *International Zoning Code* or *NFPA 70*, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words "*dwelling unit*," "dwelling," "*premises*," "building," "*rooming house*," "*rooming unit*," "*housekeeping unit*" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202 GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Acceptable to the *code official*.

APPROVED AGENCY. An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such organization has been approved by the *code official*.

BASEMENT. That portion of a building that is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

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CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for *occupancy*.

29.17 CERTIFICATE OF COMPLIANCE. Means a document issued by the *code official* or the City of Cedar Rapids evidencing compliance with all applicable code provisions of the rental property, rental unit or rental units for which the Certificate was issued. A Certificate of Compliance shall show the Issue Date (reflecting the initial regular rental inspection), the address of the structure for which it is applicable, the type or classification of the dwelling, and any other information as determined by the *code official*. The Certificate of Compliance will be issued for the entire building, not individual units.

29.18 CONDOMINIUM. Means a multi-family complex, dwelling, dwelling unit, rooming unit, or sleeping unit which is recognized by the City Assessor's Office as a Condominium (typically in compliance with Chapter 499B of the Code of Iowa).

29.19 COOPERATIVE. Means a multi-family complex, dwelling, dwelling unit, rooming unit, or sleeping unit which is recognized by the City Assessor's Office as a Cooperative (typically in compliance with Chapter 499A of the Code of Iowa).

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the *structure* less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or board of appeals.

DANGEROUS. Any building, structure or portion thereof that meets any of the conditions described below shall be deemed dangerous:

1. The building or structure has collapsed, has partially collapsed, has moved off its foundation or lacks the necessary support of the ground.
2. There exists a significant risk of collapse, detachment or dislodgment of any portion, member, appurtenance or ornamentation of the building or structure under permanent, routine or frequent loads, or under snow, wind, rain, flood, earthquake or other environmental loads when such loads are imminent.

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DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner*(s) of the property. The *easement* shall be permitted to be for use under, on or above said lot or lots.

EMERGENCY ESCAPE AND RESCUE OPENING. An operable exterior window, door or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the *structure*.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a *structure* for living, sleeping, eating or cooking. *Bathrooms, toilet rooms*, closets, halls, storage or utility spaces, and similar areas are not considered *habitable spaces*.

HISTORIC BUILDING. Any building or *structure* that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.

2. Designated as historic under an applicable state or local law.

3. Certified as a contributing resource within a National Register or state or locally designated historic district.

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HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition that could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a *structure* or *premises* of insects, rodents, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle that cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, *approved* agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

29.20 LANDLORD BUSINESS PERMIT. Means a permit issued by the City of Cedar Rapids for the purpose of conducting residential rental business which is subject to regulation under this Chapter.

A Landlord Business Permit does not authorize one to act or represent oneself as a real estate broker in violation of Iowa Code Chapter 543B Real Estate Brokers and Salespersons.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit, rooming unit*, building, premise or *structure* by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or *structure*.

29.21 NUISANCE. Means the same as set forth in Chapter 22 of the Municipal Code of the City of Cedar Rapids, Iowa.

29.22 NUISANCE ACTIVITY. Means the same as set forth in Chapter 22A of the Municipal Code of the City of Cedar Rapids.

29.23 NUISANCE PROPERTY. Means the same as set forth in Chapter 22A of the Municipal Code of the City of Cedar Rapids.

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OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

29.24 OCCUPYING. Means living or sleeping in premises regulated by this Chapter, and shall not require that the person living or sleeping be included in any rental agreement concerning the premises.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a *structure* or *premises* that is let or offered for *occupancy*.

OWNER. Any person, agent, *operator*, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PEER REVIEW. An independent and objective technical review conducted by an approved third party.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

POWER SAFETY COVER. A pool cover that is placed over the water area and is opened and closed with a motorized mechanism activated by a control switch.

PREMISES. A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

29.25 PROPERTY MANAGER. Means the party responsible for day-to-day maintenance, operation and management of rental property. For purposes of this Subchapter, an Owner of a Rental Property or Rental Unit may be but is not necessarily the same as the Property Manager thereof.

References in this Chapter to “Property Manager” shall not be construed so as to affect the application of any other law concerning property management, including but not limited to Iowa Code Chapter 543B.

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PUBLIC WAY. Any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet (3048 mm).

29.26 REFUSE. The worthless or useless part of something; trash or garbage.

29.27 RENTAL BUSINESS TRAINING. Means training required of Landlords and those who manage rental property subject to regulation hereunder.

29.28 RENTAL PROPERTY (OR RESIDENTIAL RENTAL PROPERTY); RENTAL UNIT (OR RESIDENTIAL RENTAL UNIT). Means a structure containing one or more dwelling units, rooming units, or sleeping units which is not eligible for the Iowa Homestead Credit for tax purposes; also 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 of the property, which is leased or rented from or otherwise occupied by permission of the 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 property, as context requires.

29.29 RENTAL PROPERTY REGISTRATION. Means registration with the City of Cedar Rapids of a structure containing one or more rental units subject to regulation under this Chapter.

29.30 RENTAL UNIT REGISTRATION. Means registration of any given dwelling unit within a duly registered rental property.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SAFETY COVER. A structure, fabric or assembly, along with attendant appurtenances and anchoring mechanisms, that is temporarily placed or installed over an entire pool, spa or hot tub and secured in place after all bathers are absent from the water.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

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STORM SHELTER. A building, structure or portion thereof, constructed in accordance with ICC 500, designated for use during hurricanes, tornadoes or other severe windstorms.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed.

TENANT. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and that shall be deemed to occur if the sustain- able load reduces to 80 percent or less of the maximum strength.

29.31 VACANT AND NEGLECTED BUILDING. Any building or portion of a building which meets any one or more of the following conditions for more than 180 calendar days in any given year: unoccupied and unsecured, unoccupied and secured by boarding or by means other than those used in the design of the building, unoccupied and has Housing and Property Maintenance Code and/or Building Code violations, unoccupied and unfit for occupancy, or unoccupied and declared dangerous or unsafe under this code.

> **Exception:** Vacant Buildings which are undergoing construction, renovation, or rehabilitation and which are in compliance with all applicable ordinances, codes, legislation, and regulations, and for which a construction, renovation or rehabilitation permit has been issued that the *code official* determines is proceeding diligently to completion.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

29.32 WEEDS. All grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and with- out marring adjacent work.

YARD. An open space on the same lot with a *structure*.

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SUBCHAPTER 3
GENERAL REQUIREMENTS

SECTION 301 - GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the *structures* and *exterior property* in compliance with these requirements and the code under which the building was constructed, except as otherwise provided for in this code. The *owner* or owner's agent shall be responsible to ensure that any repairs, additions or alterations to the building or portion thereof are performed or constructed in accordance with the *International Building Code*, *International Residential Code* or *International Existing Building Code*. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy p*remises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit, rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit, rooming unit, housekeeping unit* or *premises* they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 - EXTERIOR PROPERTY AREAS

302.1 (29.33) Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition, but this provision shall not relieve the owner of responsibility under this chapter. No exterior accumulation of garbage, refuse, rubbish, personal possessions, or household goods, including but not limited to appliances and furnishings manufactured for interior use, shall be permitted. For purposes of this section, an unenclosed porch is an exterior portion of a property or premises.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any *structure* located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

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302.4 (29.34) Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 107.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly on abutting or adjacent public or private property or that of another *tenant*.

302.7 (29.35) Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained in good repair at all times. All garages, where a garage door was intended or installed, must be provided with a functioning garage door.

302.8 (29.36) Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. The open storage of vehicle parts including but not limited to bumpers, engines, exhaust pipes, doors, fenders, hoods, mufflers, tires or any other structural, mechanical or decorative vehicle part is prohibited. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a *structure* or similarly enclosed area designed and *approved* for such purposes.

302.8.1 Permitted Parking Surfaces. Motor vehicles shall be parked on permitted hard surfaces, as defined in the Cedar Rapids Zoning Ordinance, Surface Parking Design Standards.

302.9 Defacement of property. A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any *structure* or building on any private or public property by placing thereon any marking, carving or graffiti.

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It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303 - SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exceptions:

1. Spas or hot tubs equipped with a lockable safety cover that complies with ASTM F1346.
2. Private swimming pools equipped with a power safety cover that complies with ASTM F1346 and is in working condition using the control switch.

SECTION 304 - EXTERIOR STRUCTURE

304.1 General. The exterior of a *structure* shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Potentially unsafe conditions. The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the *International Existing Building Code*, the *International Residential Code* or the *International Building Code*:

1. Structural members have *deterioration* or distress that appears to reduce their load-carrying capacity.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations has deterioration or distress that appears to reduce its load-carrying capacity.
3. Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or

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watertight.

5. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
6. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
7. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
8. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
9. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
10. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
11. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
12. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be

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eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 (29.37) Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. Where the fire *code official* requires, address numbers shall also be located in approved location along alleys that is visible from the alley. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

> **304.3.1 Interior room numbers.** New and existing buildings shall have an approved room and suite numbers identification placed in positions that are plainly legible and visible. Numbers should contrast with the background. Interior numbers shall be not less than 2 inches and stroke with a minimum stroke width of .25 inch (6.35 mm).

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 (29.38) Roofs and drainage. The roof and flashing, including the soffit and fascia, shall be sound, tight and not have defects or deterioration. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the *structure*. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper *anchorage* and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

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304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper *anchorage* and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 (29.39) Insect screens. Every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupant*s and property within.

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304.18.1 Doors. Doors providing access to an individual *dwelling unit, rooming unit* or *housekeeping unit* that is rented, leased or *let* where equipped with a deadbolt lock, the deadbolt shall be designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit, rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit, rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 - INTERIOR STRUCTURE

305.1 General. The interior of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the *structure* that they occupy or control in a clean and sanitary condition. Every *owner* of a *structure* containing a *rooming house, housekeeping units*, a hotel, a dormitory, two or more *dwelling unit*s or two or more nonresidential *occupancies*, shall maintain, in a clean and sanitary condition, the shared or public areas of the *structure* and *exterior property*.

305.1.1 Potentially unsafe conditions. The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the *International Existing Building Code*, the *International Residential Code* or the *International Building Code*:

1. Structural members have *deterioration* or distress that appears to reduce their load-carrying capacity.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations has deterioration or distress that appears to reduce its load-carrying capacity.
3. Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.
4. Stairs, landings, balconies and all similar walking surfaces, including guards and

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handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

5. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

305.2 Structural members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 - COMPONENT SERVICEABILITY

306.1 General. The components of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Potentially unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be considered to be unsafe and shall be addressed in compliance with the *International Existing Building Code*, the *International Residential Code* or the *International Building Code*:

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1. Soils that have been subjected to any of the following conditions:

    1.1 Collapse of footing or foundation system.

    1.2 Damage to footing, foundation, concrete or other structural element due to soil expansion.

    1.3 Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.

    1.4 Inadequate soil as determined by a geotechnical investigation.

    1.5 Where the allowable bearing capacity of the soil is in doubt.

    1.6 Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:

    2.1 *Deterioration.*

    2.2 *Ultimate deformation.*

    2.3 Fractures.

    2.4 Fissures.

    2.5 Spalling.

    2.6 Exposed reinforcement.

    2.7 *Detached*, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:

    3.1 *Deterioration.*

    3.2 Corrosion.

    3.3 Elastic deformation.

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3.4 *Ultimate deformation.*

3.5 Stress or strain cracks.

3.6 Joint fatigue.

3.7 *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:

4.1 *Deterioration.*

4.2 *Ultimate deformation.*

4.3 Fractures in masonry or mortar joints.

4.4 Fissures in masonry or mortar joints.

4.5 Spalling.

4.6 Exposed reinforcement.

4.7 *Detached*, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

5.1 *Deterioration.*

5.2 Elastic deformation.

5.3 *Ultimate deformation.*

5.4 Metal fatigue.

5.5 *Detached*, dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

6.1 Ultimate deformation.

6.2 Deterioration.

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6.3 Damage from insects, rodents and other vermin.

6.4 Fire damage beyond charring.

6.5 Significant splits and checks.

6.6 Horizontal shear cracks.

6.7 Vertical shear cracks.

6.8 Inadequate support.

6.9 *Detached*, dislodged or failing connections.

6.10 Excessive cutting and notching.

SECTION 307 - HANDRAILS AND GUARDRAILS

307.1 (29.40) Handrails. Stairs having four or more risers shall have a handrail on one side of the stair.

307.1.1 Height. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

307.2 (29.41) Guards. *Guards* shall be provided along open-sided walking surfaces, including balconies, porches, decks, stairs, ramps and landings, that are more than 30 inches (762 mm) above the floor or grade below.

Exception: *Guards* shall not be required where exempted by the adopted building code.

307.2.1 Height. *Guards* shall be not less than 30 inches (762 mm) high.

307.2.2 Opening Limitations. Required *guards* shall not have openings from the walking surface to the required *guard* height that allow passage of a sphere 4 inches (102 mm) in diameter.

Exceptions:

1. The triangular openings at the open side of stair, formed by the riser, tread and bottom rail of a *guard*, shall not allow passage of a sphere 6 inches (153 mm) in diameter.

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2. *Guards* on the open side of stairs shall not have openings that allow passage of a sphere 4 3/8 inches (111 mm) in diameter.

The new installation or replacement of *handrails* or *guards* require compliance with current Cedar Rapids Municipal Building Code.

SECTION 308 - RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. *Exterior property* and *premises*, and the interior of every *structure*, shall be free from any accumulation of *rubbish* or garbage.

308.2 Disposal of rubbish. Every *occupant* of a *structure* shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

308.2.5 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

308.3 Disposal of garbage. Every *occupant* of a *structure* shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

308.3.1 Garbage facilities. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit;* an *approved* incinerator unit in the *structure* available to the *occupants* in each *dwelling unit;* or an *approved* leak proof, covered, outside garbage container.

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leak proof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION 309 - PEST ELIMINATION

309.1 (29.42) Infestation. Structures shall be kept free from insect and rodent *infestation*. Structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. If after re-inspection it is the opinion of the *code official* that adequate extermination measures have not been taken, then an approved plan of action shall be provided to the *code official* within 5 business days. An approved plan of action must include an approved certified pest control agency for extermination. After *pest elimination*, proper precautions shall be taken to prevent reinfestation.

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309.2 Owner. The *owner* of any *structure* shall be responsible for *pest elimination* within the *structure* prior to renting or leasing the *structure*.

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential *structure* shall be responsible for *pest elimination* on the *premises*.

309.4 Multiple occupancy. The *owner* of a *structure* containing two or more *dwelling unit*s, a multiple *occupancy*, a *rooming house* or a nonresidential *structure* shall be responsible for *pest elimination* in the public or shared areas of the *structure* and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for *pest elimination*.

309.5 Occupant. The *occupant* of any *structure* shall be responsible for the continued rodent and pest-free condition of the *structure*.

> **Exception:** Where the *infestations* are caused by defects in the *structure*, the *owner* shall be responsible for *pest elimination*.

SECTION 310 – ACCESSIBILITY

310.1 General. A facility that is required to be accessible shall be maintained accessible during *occupancy*.

> **310.1.1 Maintenance.** The accessible features of a facility shall be maintained in good repair, in a clean, structurally sound and sanitary condition, and free from impediments to accessibility.

SECTION 311 – STORM SHELTERS

311.1 General. Community *storm shelters* shall be evaluated, maintained and repaired in accordance with this section and ICC 500.

311.2 Evaluation. Community *storm shelters* shall be evaluated annually and when requested by the authority having jurisdiction in accordance with ICC 500.

311.3 Maintenance and repairs. Community *storm shelters* shall be maintained in an operable condition. All structural and operational elements shall be repaired or replaced in accordance with ICC 500 where damaged or found to be inoperable.

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SUBCHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 - GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a *structure*.

401.2 Responsibility. The *owner* of the *structure* shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A person shall not occupy as *owner-occupant*, or permit another person to occupy, any *premises* that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

SECTION 402 - LIGHT

402.1 Habitable spaces. Every *habitable space* shall have not less than one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a *structure* face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, or not less than 25 square feet (2.33 m^2), whichever is greater. The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential *occupancies*, other than in one- and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m^2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

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402.3 Other spaces. Other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 - VENTILATION

403.1 Habitable spaces. Every *habitable space* shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

> **Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m^2). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

Exceptions:

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the *structure* in accordance with the manufacturer's instructions.

Exception: Listed and *labeled* condensing (ductless) clothes dryers.

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SECTION 404 - OCCUPANCY LIMITATIONS

404.1 Privacy. *Dwelling units*, hotel units, *housekeeping units, rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms, toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not greater than 6 inches (152 mm) below the required ceiling height.

2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.

3. In one- and two-family dwellings, rooms occupied exclusively for *bathrooms*, *toilet rooms* and laundry rooms having a minimum ceiling height of 6 feet 8 inches (2033 mm).

4. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Habitable room requirements. Every habitable room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every habitable room shall contain not less than 70 square feet (6.5 m^2) and every bedroom occupied by more than one *person* shall contain not less than 50 square feet (4.6 m^2) of floor area for each *occupant* thereof.

404.4.2 Access from bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

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Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every *bedroom* shall have access to not less than one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to not less than one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. *Dwelling units* shall not be occupied by more *occupants* than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5
MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room[a, b]	120	120	150
Dining room[a, b]	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.0929 m^2.

a. See Section 404.5.2 for combined living room/dining room spaces.
b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

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404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one *occupant* shall have a minimum clear floor area of 120 square feet (11.2 m^2). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 190 square feet (17.7 m^2). A unit occupied by three *occupants* shall have a minimum clear floor area of 260 square feet (24.2 m^2). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation. Spaces to be occupied for food preparation purposes 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 refuse, including facilities for temporary storage.

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SUBCHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 - GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The *owner* of the *structure* shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *structure* or *premises* that does not comply with the requirements of this chapter.

SECTION 502 - REQUIRED FACILITIES

502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

502.3 (29.43) Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 *occupants*. **DELETED**

502.4 (29.44) Employees' facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees. **DELETED**

> **502.4.1 (29.45) Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*. **DELETED**

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502.5 (29.46) Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with Cedar Rapids Municipal Code, Chapter 35, Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

SECTION 503 - TOILET ROOMS

503.1 (29.47) Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all *bathrooms* and *toilet rooms* in a single-family dwelling and multiple dwelling.

503.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

> **Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504 - PLUMBING SYSTEMS AND FIXTURES

504.1 General. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

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504.3 Plumbing system hazards. Where it is found that a plumbing system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505 - WATER SYSTEM

505.1 (29.48) General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with Cedar Rapids Municipal Code, Chapter 35, Plumbing Code.

505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an *approved* atmospheric-type vacuum breaker or an *approved* permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature not less than 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

505.5 Nonpotable water reuse systems. Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 505.5.1.

> **505.5.1 (29.49) Abandonment of systems.** Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the *owner* ceases use of the system, the system shall be abandoned in accordance with Cedar Rapids Municipal Code, Chapter 35, Plumbing Code.

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SECTION 506 - SANITARY DRAINAGE SYSTEM

506.1 General. Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the *code official*.

SECTION 507 - STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

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SUBCHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 - GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The *owner* of the *structure* shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that does not comply with the requirements of this chapter.

SECTION 602 - HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 (29.50) Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Cedar Rapids Municipal Code, Chapter 35, Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

> **Exception:** In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 (29.51) Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

> **Exceptions:**
>
> 1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the Cedar Rapids Municipal Code, Chapter 35, Plumbing Code. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

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2. In areas where the average monthly temperature is above 30°F (1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.4 (29.52) Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 - MECHANICAL EQUIPMENT

603.1 (29.53) Mechanical equipment and appliances. Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. All fuel-burning heating equipment of each dwelling shall be maintained in good and safe working condition and shall be capable of heating all habitable rooms, kitchens, kitchenettes, bathrooms, and toilet rooms located therein to the minimum temperature required by this code.

603.2 Removal of combustion products. Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances that are *labeled* for unvented operation.

603.3 Clearances. Required clearances to combustible materials shall be maintained.

603.4 Safety controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

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SECTION 604 - ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 (29.54) Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Municipal Code Chapter 34 (Electrical Code) as adopted.

604.3 Electrical system hazards. Where it is found that the electrical system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters and current transformers.
11. Low- and medium-voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.

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14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605 - ELECTRICAL EQUIPMENT

605.1 Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 (29.55) Receptacles. Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry sink and/or laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every existing or new bathroom shall contain at least one ground fault circuit interrupter protection type receptacle. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.2.1 Ground fault. All receptacles located above and adjacent to work counters within 3 feet of a sink or water distribution fixture shall be ground fault circuit interrupter protection type.

605.2.2 Exterior GFCI. All exterior outlets must be ground fault circuit interrupter protection type with approved covers.

605.2.3 Tamper Resistant. All replacement outlets shall be of a tamper resistant type.

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605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606 - ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

> **Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

606.3 Private residence elevators. Requirements for private residence elevators shall be in accordance with Sections 606.3.1 through 606.3.3.

> **606.3.1 General.** The maintenance of elevators in private residences shall conform to Section 5.3 of ASME A17.1/CSA B44.
>
> **606.3.2 Hoistway enclosures.** Hoistway enclosures shall comply with Section 5.3.1.1 of ASME A17.1/CSA B44.
>
> **606.3.3 Hoistway Opening Protection.** Hoistway landing doors for private residence elevators shall comply with Sections 5.3.1.8.1 through 5.3.1.8.3 of ASME A17.1/CSA B44 or Sections 10.1.4.1 through 10.1.4.3 of ASME A17.3.

SECTION 607 - DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

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607.2 Clothes dryer exhaust duct system maintenance. The lint trap, mechanical and heating components, and the exhaust duct system of a clothes dryer shall undergo periodic removal of accumulations of lint in accordance with the manufacturer's operating instructions to prevent obstruction of exhaust air and products of combustion.

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SUBCHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701 - GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

SECTION 702 - MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or *structure* to the *public way*. Means of egress shall comply with the code under which the building was constructed.

702.2 Aisles. The required width of aisles in accordance with the code under which the building was constructed shall be unobstructed.

702.3 Locked doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

702.4 (29.56) Emergency escape and rescue openings. Required emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and the following:

1. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.

2. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with Section 907.2.10 of the *International Building Code*. Such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

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3. Emergency escape and rescue openings shall have a net clear opening of not less than 5.7 square feet. The minimum net clear opening for grade-floor emergency escape and rescue openings shall be 5 square feet. The minimum net clear opening height shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches. The net clear opening dimensions shall be the result of normal operation of the opening. Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 44 inches above the floor. Emergency escape and rescue openings installed under decks, porches and cantilevers shall be fully openable and provide a path not less than 36 inches in height and 36 inches in width to a yard or court.

SECTION 703 - FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

703.2 Unsafe conditions. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 114.1.1 of the *International Fire Code*. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, *structure* or portion thereof presents an *imminent danger* to the *occupants* of the building, *structure* or portion thereof, the fire *code official* shall act in accordance with Section 114.2 of the *International Fire Code*.

703.3 Maintenance. The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the *owner* and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the *owner* unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with *approved* methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of *approved* construction meeting the fire protection requirements for the assembly.

703.3.1 Fire blocking and draft stopping. Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

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703.3.2 Smoke barriers and smoke partitions. Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with *approved* smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

703.3.3 Fire walls, fire barriers, and fire partitions. Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with *approved* doors or fire dampers shall be maintained in accordance with NFPA 80.

703.4 Opening protectives. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the *approved* third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

703.4.1 Signs. Where required by the *code official,* a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open: FIRE DOOR – DO NOT BLOCK.
2. For doors designed to be kept normally closed: FIRE DOOR – KEEP CLOSED.

703.4.2 Hold-open devices and closers. Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

703.4.3 Door operation. Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

703.5 Ceilings. The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

703.6 Testing. Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

703.7 Vertical shafts. Interior vertical shafts, including stairways, elevator hoist ways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the *International Fire Code*. New floor openings in existing buildings shall comply with the *International Building Code*.

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703.8 Opening protective closers. Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F (57°C).

SECTION 704 - FIRE PROTECTION SYSTEMS

704.1 Inspection, testing and maintenance. Fire protection and life safety systems shall be maintained in accordance with the *International Fire Code* in an operative condition at all times, and shall be replaced or repaired where defective.

704.1.1 Fire protection and life safety systems. Fire protection and life safety systems shall be installed, repaired, operated and maintained in accordance with this code, the *International Fire Code* and the *International Building Code*.

704.1.2 Required fire protection and life safety systems. Fire protection and life safety systems required by this code, the *International Fire Code* or the *International Building Code* shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection and life safety system for which a design option, exception or reduction to the provisions of this code, the *International Fire Code* or the *International Building Code* has been granted shall be considered to be a required system.

704.1.3 Fire protection systems. Fire protection systems shall be inspected, maintained and tested in accordance with the following *International Fire Code* requirements.

1. Automatic sprinkler systems, see Section 903.5.
2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.13.5.
3. Automatic water mist extinguishing systems, see Section 904.11.
4. Carbon dioxide extinguishing systems, see Section 904.8.
5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
6. Clean-agent extinguishing systems, see Section 904.10.
7. Dry-chemical extinguishing systems, see Section 904.6.
8. Fire alarm and fire detection systems, see Section 907.8.
9. Fire department connections, see Sections 912.4 and 912.7.
10. Fire pumps, see Section 913.5.
11. Foam extinguishing systems, see Section 904.7.
12. Halon extinguishing systems, see Section 904.9.
13. Single- and multiple-station smoke alarms, see Section 907.10.

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14. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
15. Smoke control systems, see Section 909.22.
16. Wet-chemical extinguishing systems, see Section 904.5.
17. Duct and air transfer openings, see Section 706.1.

704.2 Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 and as required in this section.

TABLE 704.2
FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS

SYSTEM	STANDARD
Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Smoke and heat vents	NFPA 204
Fire dampers	NFPA 80
Smoke dampers	NFPA 105
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

704.2.1 Records. Records shall be maintained of all system inspections, tests and maintenance in accordance with Section 109.3 of the *International Fire Code*.

704.2.2 Records information. Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

704.3 Systems out of service. Where a required fire protection system is out of service, the fire department and the fire *code official* shall be notified immediately and, where required by the fire *code official*, either the building shall be evacuated or an *approved* fire watch shall be provided for all *occupants* left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one *approved* means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected *premises* and keeping watch for fires. Actions shall be taken in accordance with Section 901 of the *International Fire Code* to bring the systems back in service.

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Exception: Facilities with an approved notification and impairment management program. The notification and impairment program for water-based fire protection systems shall comply with NFPA 25.

704.3.1 Emergency impairments. Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the *International Fire Code*.

704.4 Removal of or tampering with equipment. It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire protection or life safety system required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

704.4.1 Removal of or tampering with appurtenances. Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire *code official* shall not be removed, unlocked, destroyed or tampered with in any manner.

704.4.2 Removal of existing occupant-use hose lines. The fire *code official* is authorized to permit the removal of existing *occupant*-use hose lines where all of the following apply:

1. The installation is not required by the *International Fire Code* or the *International Building Code*.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

704.4.3 Termination of monitoring service. For fire alarm systems required to be monitored by the *International Fire Code*, notice shall be made to the fire *code official* whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

704.5 Fire department connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire *code official*.

704.5.1 Fire department connection access. Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be *approved* by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the

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legend requirements of Section 912.5 of the *International Fire Code* and a means of emergency operation. The gate and the means of emergency operation shall be *approved* by the fire chief and maintained operational at all times.

704.5.2 Clear space around connections. A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.

704.6 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R *occupancies* in accordance with Sections 704.6.1 through 704.6.3.

704.6.1 Where required. Existing Group I-1 and R *occupancies* shall be provided with single-station smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.

2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.

3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.6.1.1 (29.57) Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the *sleeping unit*.
3. In each story within the *sleeping unit*, including *basements*. For *sleeping units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

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4. Smoke alarms must be listed in accordance with UL 217 – Standard for Smoke Alarms or UL 268 – Smoke Detectors for Fire Alarm Systems.
5. A battery-powered smoke alarm listed in accordance with UL 217 that is newly installed or replaces an existing battery-powered smoke alarm must be powered by a nonremovable, nonreplaceable battery that powers the alarm for at least ten years. The battery requirements of this subrule do not apply to a fire alarm, smoke detector, smoke alarm, or ancillary component that is electronically connected as a part of a centrally monitored or supervised alarm system; that uses a low-power, radio frequency wireless communication signal.

704.6.1.2 (29.58) Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of *occupant load* at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* but not including crawl spaces and uninhabitable attics. In *dwellings* or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Smoke alarms must be listed in accordance with UL 217 – Standard for Smoke Alarms or UL 268 – Smoke Detectors for Fire Alarm Systems.
5. A battery-powered smoke alarm listed in accordance with UL 217 that is newly installed or replaces an existing battery-powered smoke alarm must be powered by a nonremovable, nonreplaceable battery that powers the alarm for at least ten years. The battery requirements of this subrule do not apply to a fire alarm, smoke detector, smoke alarm, or ancillary component that is electronically connected as a part of a centrally monitored or supervised alarm system; that uses a low-power, radio frequency wireless communication signal.

704.6.1.3 Installation near cooking appliances. Smoke alarms shall be installed a minimum of 10 feet (3.0 m) horizontally from a permanently installed cooking appliance.

Exception: Smoke alarms shall be permitted to be installed a minimum of 6 feet (1.8 m) horizontally from a permanently installed cooking appliance where necessary to comply with Section 704.6.1.1 or 704.6.1.2.

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704.6.1.4 Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a *bathroom* that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.

704.6.2 (29.59) Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling* or *sleeping unit*, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing *alterations*, repairs or construction of any kind.

2. Smoke alarms in existing areas are not required to be interconnected where *alterations* or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available that could provide access for interconnection without the removal of interior finishes.

3. Battery powered smoke alarms may be added in bedrooms of existing buildings which have existing smoke alarms interconnected as long as the bedrooms did not previously have interconnected smoke alarms removed or disconnected and until such time that a building permit for remodel of the unit or building results in the building official requiring smoke alarms be interconnected.

704.6.3 (29.60) Power source. Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Newly installed or replacement of an existing battery-powered smoke alarm or smoke alarms must be in accordance with Iowa Administrative Code 661, Public Safety, Chapter 210.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.

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2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing *alterations* or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available that could provide access for building wiring without the removal of interior finishes.

704.6.4 Smoke detection system. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the *International Fire Code*.

2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the *dwelling* or *sleeping unit* in accordance with Section 907.5.2 of the *International Fire Code*.

3. Activation of a smoke detector in a *dwelling* or *sleeping unit* shall not activate alarm notification appliances outside of the *dwelling* or *sleeping unit*, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the *International Fire Code*.

704.7 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions and this code.

704.7.1 Replacement. Smoke alarms shall be replaced where any of the following apply:
1. The smoke alarm fails to respond to operability tests.
2. Where the smoke alarm exceeds 10 years from the date of manufacture marked on the unit, unless an earlier replacement is specified in the manufacturer's instructions.
3. The smoke alarm end-of-life signal is sounded.
4. The smoke alarm date of manufacturer cannot be determined.

29.61 FIRE EXTINGUISHERS

29.61.1 General. Fire extinguishers shall be required in rental properties in accordance with specifications listed below. All fire extinguishers shall be maintained in an operative condition at all times and shall be replaced or repaired when defective in accordance with the manufacturer's specifications and NFPA 10. At the time of each Regular Rental Inspection, the *code official* will confirm the fire extinguisher(s) have been

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properly maintained, serviced, and tagged by an approved company in accordance with the manufacturer's specifications, NFPA 10 and the Cedar Rapids Fire Code.

29.61.1.1 Single-family. Single family rental structures shall have one 1A10BC minimum rated fire extinguisher provided in a properly mounted readily accessible location, preferably located near an exit and near the kitchen.

29.61.1.2 Multi-family. Each multi-family structure shall be provided with one 1A10BC fire extinguisher for each dwelling unit, properly mounted in a readily accessible location preferably located near an exit and near the kitchen, or, for those structures with common corridors in lieu of the 1A10BC fire extinguishers in each unit, the owner may provide one 2A10BC fire extinguisher on each occupied level within 75 feet of each dwelling unit, properly mounted in a readily accessible location for occupants for which they are provided.

29.61.1.3 Multi-family Laundry and Mechanical Rooms. One 2A10BC fire extinguisher shall be provided in a properly mounted readily accessible location positioned within 75 feet of and on the same level as each laundry or mechanical room (including boiler rooms) that is shared by 2 or more dwelling units.

SECTION 705 - CARBON MONOXIDE ALARMS AND DETECTION

705.1 General. Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the *International Fire Code*, except that alarms in dwellings covered by the *International Residential Code* shall be installed in accordance with Section R315 of that code.

705.2 Carbon monoxide alarms and detectors. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 72. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

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SUBCHAPTER 8

REFERENCED STANDARDS

ASME

American Society of Mechanical Engineers
Two Park Avenue
New York, NY 10016-5990

ASME A17.1—2022/CSA B44—2022: Safety Code for Elevators and Escalators
606.1

ASME A17.3—2020: Safety Code for Existing Elevators and Escalators
606.3.3

ASTM

ASTM International
100 Barr Harbor Drive, P.O. Box C700
West Conshohocken, PA 19428-2959

F1346—91 (2018): Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs
303.2

ICC

International Code Council
500 New Jersey Avenue, NW 6th Floor
Washington, DC 20001

IBC—24: International Building Code®
102.3, 201.3, 304.1.1, 305.1.1, 306.1.1, 403.1, 604.3.1.1, 604.3.2.1, 702.3, 704.4.2

ICC 500—2020: ICC/NSSA Standard for the Design and Construction of Storm Shelters
202, 311.1, 311.2, 311.3

IEBC—24: International Existing Building Code®
102.3, 201.3, 304.1.1, 305.1.1, 306.1.1

IECC—24: International Energy Conservation Code®
102.3

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IFC—24: International Fire Code®

102.3, 201.3, 604.3.1.1, 702.1, 702.2, 704.1, 704.1.2, 704.1.3, 704.3, 704.3.1, 704.4.2, 704.4.3, 704.5.1, 704.6.4, 705.1

IFGC—24: International Fuel Gas Code®

102.3, 201.3

IMC—24: International Mechanical Code®

102.3, 201.3

IPC—24: International Plumbing Code®

102.3, 201.3, 502.5, 505.1, 505.5.1, 602.2, 602.3

IRC—24: International Residential Code®

102.3, 201.3

IZC—24: International Zoning Code®

102.3, 201.3

NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02169-7471

10—22: Standard for Portable Fire Extinguishers

Table 704.2

12—22: Standard on Carbon Dioxide Extinguishing Systems

Table 704.2

12A—22: Standard on Halon 1301 Fire Extinguishing Systems

Table 704.2

17—21: Standard for Dry Chemical Extinguishing Systems

Table 704.2

17A—21: Standard for Wet Chemical Extinguishing Systems

Table 704.2

25—23: Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems

Table 704.2

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70—23: National Electrical Code
102.3, 201.3, 604.2

72—22: National Fire Alarm and Signaling Code
Table 704.2

80—22: Standard for Fire Doors and Other Opening Protectives
703.3.3, 703.4

105—22: Standard for Smoke Door Assemblies and Other Opening Protectives
703.3.2

204—21: Standard for Smoke and Heat Venting
Table 704.2

720—15: Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment
705.2

750—23: Standard on Water Mist Fire Protection Systems
Table 704.2

2001—22: Standard on Clean Agent Fire Extinguishing Systems
Table 704.2

UL

Underwriters Laboratories, LLC
333 Pfingsten Road
Northbrook, IL 60062

268—2016: Smoke Detectors for Fire Alarm Systems—with revisions through July 2016
704.6.4

29.62 Additional Referenced Standards. The following Chapters of the Municipal Code of the City of Cedar Rapids, Iowa, are included as Referenced Standards:

Chapter 22 Nuisances

Chapter 22A Nuisance Properties

Chapter 32 Zoning

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Chapter 33 Building Code (as adopted & amended)

Chapter 34 Electrical Code (as adopted & amended)

Chapter 35 Plumbing Code (as adopted & amended)

Chapter 36 Mechanical Code (as adopted & amended)

Chapter 37 Fire Code (as adopted & amended)

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SUBCHAPTER 9

RENTAL BUSINESS REGULATIONS

29.63 SECTION 901 LANDLORD BUSINESS PERMITS

a. Permit requirements.

No owner shall lease, rent, or otherwise allow a dwelling unit or residential rental unit to be occupied without a valid Landlord Business Permit issued in accordance with this Subchapter. Each LLC is considered separate ownership.

All those who hold a valid Landlord Business Permit at the time this ordinance becomes effective shall be deemed to hold a valid Landlord Business Permit within the meaning of this section.

b. Application requirements.

The application requirements to the receipt of a Landlord Business Permit include:

i. All requirements pertaining to inspections are met; and

ii. All rental units of which the applicant is an owner, in whole or in part, are registered; and

iii. All fees due under this Chapter or Chapter 22A of the Cedar Rapids Municipal Code for the applicant's residential rental unit(s) are paid in full; and

iv. All court judgments entered in favor of the City and against the applicant are paid in full; and

v. The applicant has placed on file with the *code official* the name(s), business address(es), telephone number(s) and e-mail addresses of the Owner and the Property Manager (if different than the Owner) who is responsible for day-to-day maintenance and management of the registered premises owned in whole or part by the applicant; and

vi. The applicant has placed on file with the code official the actual physical address of the Owner or Property Manager with appropriate emergency contact information; and

vii. Landlord Business Permit fees are paid; and

viii. Completion and submission of an Application for Landlord Business Permit in such form and detail as prescribed by the *code official*.

c. Permit to Issue.

If the *code official* concludes that application information requirements have been met, then the *code official* shall issue the Landlord Business Permit.

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29.64 SECTION 902 RENTAL PROPERTY OR RENTAL UNIT REGISTRATION

a. Registration Required; Notification of Changes

No person shall lease, rent, or let for occupancy, a residential rental unit in the City of Cedar Rapids, Iowa without first obtaining from the *code official* proper Rental Property or Rental Unit Registration, as the case may be. Rental Property or Rental Unit Registration shall not be transferred from one owner to another. A property meeting the definition of a *rental property* not currently registered as a *rental property* must be registered prior to occupancy. A *rental property* currently registered and occupied that changes ownership must be registered with the *code official* within 30 days of transfer of title or possession of such property. Each owner of residential rental property shall register the property with the *code official*. It shall be the responsibility of the owner to inform the *code official* of any change in address for purposes of conducting business and communicating with the *code official*. Persons, including those already in possession of a Landlord Business Permit, who lease, rent or let for occupancy prior to obtaining a Rental Unit Registration will be assessed a penalty fee in accordance with the Schedule of Housing Inspection Services Fees.

Exception: No registration shall be required for an owner-occupied single-family dwelling, single-family Condominium, or single-family Cooperative, provided such owner-occupied dwelling, Condominium or Cooperative has no more than two tenants who are 18 years of age or older and unrelated to the *owner*.

b. Application Requirements.

i) Application for Rental Property or Rental Unit Registration required by this code shall be made to the *code official* in such form and detail as prescribed by the *code official*, and shall include proof that Rental Business Training has been completed as set forth in this Subchapter.

ii) Rental Property or Rental Unit Registration fees shall be as set forth by Resolution of the City Council of Cedar Rapids and payment thereof shall accompany an application for Rental Unit Registration.

c. Mandatory Rental Business Training

i) Rental Business Training:

The *code official*, or a designee, shall develop a Rental Business Training course to advance compliance with this Subchapter, other applicable laws and best rental business practices. A description of the course and its goals must be approved by resolution of the City Council.

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ii) Training Requirements:

Regardless of whether they are also Owners of Rental Property, all those who are Property Managers within the meaning of this Subchapter at the time this ordinance becomes effective shall complete Rental Business Training prior to the next registration of the Rental Unit or Rental Property under his or her management.

Provided the Property Manager has otherwise complied with the Rental Business Training requirements set forth herein, that Property Manager shall not be required to undergo Rental Business Training as to each and every unit or property under his or her management.

iii) Proof of Training upon Registration of Rental Unit:

Upon registration of a Rental Unit, the Owner shall provide proof that the Property Manager for that Unit has undergone Rental Business Training and is otherwise in compliance with the training requirements set forth herein.

In the event a property is being re-registered due to a Transfer of Title as provided in 29.64(f), and the Owner cannot prove compliance as required in this paragraph at the time of re-registration, the Owner must complete the Rental Business Training program. Failure to submit proof promptly thereafter will subject the re-registration to suspension or revocation as provided in this Subchapter.

iv) Training Required Due to Nuisance Property Status:

If a rental property is deemed a Nuisance Property pursuant to Chapter 22A of this Code, then either the Owner of the Nuisance Property or, if approved by the *code official*, the Owner's designated Property Manager for that Nuisance Property shall undergo Rental Business Training prior to the next registration of the Nuisance Property.

This provision shall not be construed so as to require a Property Owner or Owner's designated Property Manager to take more than one class in any given year.

d. Rental Unit Registration to Issue.

When the owner has properly completed an application for registration of a rental unit, completed all requirements as provided herein and complied with all applicable codes, then Rental Unit Registration shall be issued. Such Registration does not indicate that a dwelling, dwelling unit, rooming unit, or sleeping unit meets the requirements of this code.

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e. Annual Registration.

Rental Unit Registration shall be valid from the date of issuance and continuing until July 1st of each year. Registration may not be renewed unless all required fees have been paid in full for all rental unit(s) of which the applicant is an owner.

f. Change of Registration Information upon Transfer of Title.

The owner of any rental property or unit shall notify the *code official* within thirty (30) days of any change in the information required for Rental Property or Rental Unit Registration. If a rental property or unit is sold, assigned, or otherwise transferred, the rental property/unit must be re-registered within thirty (30) days of the transfer. The new owner shall notify the *code official* of any change in contact information for their designated local representative, including a change in name, 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.

29.65 SECTION 903 MANDATORY TENANT BACKGROUND CHECKS

a. Landlord Business Permit Holders shall perform a background check on all persons 18 years of age or older who newly occupy a rental unit after July 1, 2013, whether or not the person(s) has signed a lease. This requirement shall not apply with regard to persons already occupying a given rental unit prior to that date.

b. Background checks as referenced here shall include the following at a minimum:

i) A report of activity from Iowa Courts Online.

ii) A report from the Iowa Sex Offender Registry and the National Sex Offender Website maintained by the United States Department of Justice.

Landlords are encouraged but not required to obtain additional background information the Landlord deems appropriate.

c. Nothing herein shall be construed to indicate any preference or recommendation on the part of the City as to the selection of a tenant.

29.66 SECTION 904 SUSPENSION, REVOCATION OR DENIAL (OF RENTAL UNIT REGISTRATION OR LANDLORD BUSINESS PERMIT); RIGHT OF APPEAL; ORDER OF PRECEDENCE

a. Suspension, Revocation or Denial of Rental Unit Registration or Landlord Business Permit.

Using the Order of Precedence outlined in subsection b. of this section as a guiding principle for gaining compliance, the *code official* may suspend, revoke, deny, or deny renewal of any Rental

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Unit Registration or Landlord Business Permit 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) Failure to pay any application, penalty, re-inspection, or reinstatement fee required by this Chapter, Chapter 22A of the Cedar Rapids Municipal Code or City Council Resolution.

iii) Failure to correct deficiencies within the time frame specified in a Notice of Violation issued pursuant to this Chapter.

iv) Failure to comply with the provisions of an approved mitigation/remediation plan by the *code official*.

v) Failure to comply with the provisions of the Title VIII of the Fair Housing Act of 1968 (as amended).

vi) Declaration of status as Nuisance Property pursuant to Chapter 22A of the Cedar Rapids Municipal Code.

vii) Failure to provide proof of a Mandatory Tenant Background Check required by this Subchapter.

b. Order of Precedence for Suspending, Revoking, Denying or Denying Renewal

i) First course of action. A Rental Unit Registration may be suspended, revoked, denied, or not renewed as provided in subsection (a) of this section.

ii) Second course of action. A Landlord Business Permit may be suspended, revoked, denied, or not renewed as provided in subsection (a) of this section.

c. Right of Appeal

Any person directly affected by a decision of the *code official* or a notice of adverse decision under this code shall have the right to appeal that decision in accordance with Section 106 (Means of Appeal) of this code. No Landlord Business Permit or Rental Unit Registration may be suspended, revoked, denied or the renewal thereof denied unless notice and an opportunity to be heard is given the holder of the Permit or Registration, or applicant therefor.

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29.67 SECTION 905 INSPECTION OF RENTAL PROPERTY

a. Regular rental inspection.

Regular rental inspections of rental property, rental units, and the common areas thereof, shall be inspected in accordance with a program of regular rental inspections conducted not more frequently than yearly nor less frequently than every 3 years for a Certificate of Compliance.

b. Other rental inspection.

Rental units may be inspected on a more frequent basis to ensure compliance with this code based upon one or more of the following:

i) Information is received indicating that there is a violation of provisions of this code, or any state law;

ii) An observation is made by a *code official*, or police officer, or fire code 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 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 *code 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 non-emergency inspection is requested by a tenant, then the tenant shall give a written notice to the owner. Fourteen (14) days after tenant notification to the owner, an inspection may be conducted by the *code official*.

vii) A dwelling unit is to be demolished by the City of Cedar Rapids, Iowa or the ownership is to be transferred to the City of Cedar Rapids, Iowa.

viii) A unit is declared a Nuisance Property pursuant to Chapter 22A of the Cedar Rapids Municipal Code.

29.68 SECTION 906 CERTIFICATE OF COMPLIANCE

a. Certificate of Compliance Required.

It shall be a violation of this code for any person to let to another for rent and/or occupancy any dwelling, dwelling unit, rooming unit, or sleeping unit in the City of Cedar Rapids, Iowa unless

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the owner holds a valid rental Certificate of Compliance, a current Cedar Rapids issued Landlord Business Permit, and Rental Property or Unit Registration.

Unless a rental unit is re-inspected, the Certificate of Compliance shall be valid for a period of three (3) years from the initial regular rental inspection (shown as the Issue Date on the Certificate of Compliance). A Certificate of Compliance shall be transferable from one owner to another for the address for which it is applicable. A Certificate of Compliance shall in no way signify or imply that the premises for which it is issued is in conformance or compliance with all portions of the Municipal Code of Cedar Rapids, or the laws of Linn County or the State of Iowa. The City of Cedar Rapids shall maintain no liability regarding the Certificate of Compliance.

Exception: for an owner-occupied single-family dwelling, or single-family Condominium, or single-family Cooperative, provided such dwelling, Condominium or Cooperative has no more than two tenants who are 18 years of age or older and unrelated to the Owner.

b. Requirements for Issuance.

The City shall issue a Certificate of Compliance for any rental unit upon request by the owner providing that the rental unit meets the following requirements:

i) Rental Unit Registration for the rental unit in question is on file with the *code official*; and

ii) The *code official* determines all provisions of this Chapter have been complied with by the owner; and

iii) All fees required by the Cedar Rapids City Council have been paid in full.

iv) The Certificate of Compliance, if withdrawn, shall be restored only upon a re-inspection showing compliance with this code and any additional fees are paid in full.

v) When a Building Code Certificate of Occupancy is issued by the City of Cedar Rapids for construction of a new dwelling containing one or more units, the *code official* shall issue a Certificate of Compliance when the Rental Unit Registration is complete for that property.

c. Suspension of Certificate of Compliance.

The *code official* shall suspend a Certificate of Compliance if the owner has not complied with the requirements set forth in a notice of a code violation. A Certificate of Compliance may be suspended for a given unit without effect on the other units for which the Certificate was issued.

The *code official* shall issue a notice of suspended certification to the owner stating that:

i) The Certificate of Compliance has been suspended as of the date of the notice and the reason for suspension; and

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ii) Any rental unit which is vacant at the time of suspension or which becomes vacant during the period of suspension shall not be rented or re-occupied until the Certificate of Compliance is re-instated or a new Certificate of Compliance is issued; and

iii) Failure to comply with the terms of suspension, as set out in this section, shall be a violation of this code; and

iv) Suspension of a Certificate of Compliance may be appealed to the Housing Code Board of Appeals as provided for in Section 106 of this code.

d. Reinstatement.

The *code official* will reinstate a suspended Certificate of Compliance after a regular inspection has been completed, fees have been paid in full, and the rental property/unit has been brought into compliance with the applicable standards of this code. Reinstatement of the Certificate of Compliance shall not extend or change the next inspection date of the Certificate of Compliance.

29.69 SECTION 907 NOTICE UPON OFFER FOR SALE

Every person owning a rental property/unit under this chapter and offering such property for sale shall inform a prospective buyer of the following:

a. Current status of the Certificate of Compliance; and

b. Any notice regarding violations of this code, nuisance and zoning codes which are outstanding due to failure to correct violations; and

c. Full information regarding any court action presently filed against the property along with other required disclosure items in accordance with applicable real estate laws.

29.70 SECTION 908 UNIFORM RESIDENTIAL LANDLORD AND TENANT LAW

This Subchapter shall not be construed so as to effect in any manner the application of the Uniform Residential Landlord and Tenant Law, presently codified as Chapter 562A of the 2024 Iowa Code, and as amended from time to time.

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SUBCHAPTER 10
VACANT AND NEGLECTED BUILDING REGULATIONS

29.71 SECTION 1001 GENERAL

1001.1 Scope. The provisions of this subchapter shall govern the requirements for all buildings and structures that are "vacant and neglected," as that phrase is defined by this code, and have one or more building and housing code violations. The following describes the scope of this subchapter.

a. Establishes a program for identification, registration, and regulation of building(s) which are or have become vacant and neglected;

b. Determines the responsibilities of owner(s), as that term is defined by this code, of vacant and neglected building(s), as well as the owner's authorized agent;

c. Requires a written abatement plan be provided by the owner(s), or the owner's authorized agent, to abate the violations;

d. Provides for administration, enforcement and abatement of continued violations, and the establishment of registration fees; and

e. Ensure that buildings identified as vacant and neglected are made code compliant within one year from the date said buildings were declared vacant and neglected by the *code official*.

1001.2 Responsibility. It is the responsibility of owner(s) of property to prevent structure(s) thereon from becoming a burden and blight to the neighborhood and community and a threat to the public health, safety, and welfare.

29.72 SECTION 1002 VACANT AND NEGLECTED BUILDING DETERMINATION

1002.1 Vacant and Neglected Building Determination. When the *code official* finds that a structure meets the definition of a vacant and neglected building under this code, a notice shall be served upon the owner(s) of record in accordance with Section 107 of this code.

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29.73 SECTION 1003 VACANT AND NEGLECTED BUILDING REGISTRATION

1003.1 Registration Requirements.

a. Vacant and Neglected Building Registration:

1. The owner(s) or the owner's authorized agent shall register a vacant and neglected building with the city within thirty-five (35) calendar days of the *code official* notifying the owner that the *code official* has declared the structure a vacant and neglected building or within thirty-five (35) calendar days of the building becoming vacant and neglected as defined by this code (regardless of whether the *code official* has officially declared the structure vacant and neglected), whichever is earlier.

2. The registration application shall include the following information:

i. A description of the premises; address, legal description & GPN number;

ii. The names, addresses and contact phone number(s) for all the owner(s), owner's authorized agent(s) or mortgage lender's account service representative(s);

iii. The names, addresses and contact phone number(s) of all known lienholders and all other interested parties;

iv. The name, address and contact phone number of a person designated to act on behalf of an out-of-town owner(s), to accept legal process and notices, and to authorize repairs as required (a letter from the legal owner(s) is required to assign a designee); and

v. Submittal of the written abatement plan required by 29.74 Section 1004 of this code.

b. Vacant and Neglected Building Registration Fees: The owner(s) or owner's authorized agent of a vacant and neglected building shall pay an annual fee for the administrative cost of registering and processing the vacant and neglected building owner registration form and the costs of the city inspecting the building and site. This fee shall be paid in full prior to acceptance of the registration form for the subject property.

c. Inspections: The owner(s) or the owner's authorized agent shall allow the *code official* to enter the property and structure for an initial code compliance inspection at the time of registration and as needed throughout the registration period for an inspection of the interior and exterior of the premises. Legal action may be taken for properties not brought into compliance with the code within one year of registration as a vacant and neglected property.

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d. Failure to register a vacant and neglected building, failure to submit the required abatement plan or the provision of false information to the city shall constitute a violation of this code subjecting the owner(s), or the owner's authorized agent, to penalties as provided in this code.

e. The owner(s) or the owner's authorized agent shall notify the *code official* of any changes in information supplied as part of the building registration within thirty (30) days of the change.

f. Any transfer of ownership after registration as provided herein shall comply with Section 109.6 of this code.

29.74 SECTION 1004 VACANT AND NEGLECTED BUILDING ABATEMENT PLAN

1004.1 Abatement Plan Requirements.

The owner(s) or the owner's authorized agent shall submit a written plan of action at the time of registration which shall address all code violations, including the manner in which each violation will be remedied and a time schedule to correct each violation, and identify the date the building will be made code compliant and habitable or available for sale. The *code official* shall require completion of the plan of action within a reasonable period of time.

Any repairs, improvements or alterations to the property must comply with this code and the applicable building codes as referenced in subchapter 8 (Referenced Standards) of this code.

1004.2 Authority to Modify the Abatement Plan.

The *code official* shall, upon notice to the owner(s) or the owner's authorized agent, have the right to modify the vacant and neglected building abatement plan by modifying the dates of performance, the proposed methods of action, or by imposing additional requirements. During the initial code compliance inspection, additional violations may be noted and required to be compliant as part of the plan. These additional requirements shall become part of the approved plan.

1004.3 Approval of the Abatement Plan.

After completing the code compliance inspection and reviewing the abatement plan of action, the *code official* shall approve, approve with modifications, or deny the plan. If the plan is approved or approved with modifications, the *code official* shall issue a registration permit to the owner or the owner's authorized agent. A copy of the permit will be placed by the *code official* on the structure at a location visible from the street. The registration permit shall have the expiration date on it. Registration permits are valid for one year from the date of issue.

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1004.4 Failure to Comply with the Abatement Plan.

Failure to have an approved vacant and neglected building abatement plan within thirty-five (35) days of filing the registration form or failure to comply with the approved abatement plan within the timeframe approved shall constitute a violation of this code subjecting the owner(s) of the building to penalties as provided in this code.

29.75 SECTION 1005 APPEAL

1005.1 Appeal.

Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal in accordance with Section 106 of this code.

29.76 SECTION 1006 REMOVAL FROM REGISTRATION

1006.1 Removal requirements.

A vacant and neglected building shall be removed from the registration requirements of this subchapter by the *code official* upon such building:

a. Being brought into compliance with all housing and building codes and remaining violation free for a period of 90 days after code compliance was achieved;

b. Being removed or demolished by the owner; or

c. Being demolished by the City of Cedar Rapids.

29.77 SECTION 1007 OTHER ENFORCEMENT

1007.1 Other Enforcement.

The registration of a vacant and neglected building shall not preclude the *code official* from taking other action against the building or property.

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APPENDIX A

BOARDING STANDARD

SECTION A101 GENERAL

A101.1 (29.78) General. All boarding and fencing of unsecure, unsafe structures or dangerous locations shall meet the requirements of this section.

Windows, doors and openings shall be secured or boarded in an *approved* manner to prevent entry by unauthorized persons and shall be coated (painted) with an appropriate neutral blending color as approved by the *code official*.

SECTION A102 MATERIALS

A102.1 (29.79) Boarding sheet material. When a structure is required to be secured, openings shall be secured with a minimum of ½ inch plywood or OSB or such other comparable material as may be approved by the *code official*, sized to fit the opening.

A102.2 (29.80) Boarding framing material. Framing lumber used shall be of a minimum size to support the covering materials complying with the *International Building Code*.

A102.3 (29.81) Boarding fasteners. Fasteners used shall be in accordance with the *International Building Code*.

29.82 Fencing materials. Fencing shall be standard 48-inch snow fence (orange safety fencing commonly used in construction projects). Standard "T" posts with a flange and clip shall be used to support the fencing.

SECTION A103 INSTALLATION

A103.1 Boarding installation. The boarding installation shall be in accordance with materials identified in this chapter and secured with approved fasteners.

A103.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

29.83 Fencing installation. The fencing shall be installed to secure areas that are unsafe or dangerous as directed by the *code official*. Fencing shall be standard 48-inch snow fence (orange safety fencing commonly used in construction projects) supported by "T" posts with flange and clips to fasten to the posts. Posts will be spaced 6 - 8 feet apart with a flange below grade to sufficiently hold fencing from

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falling over. The safety fencing shall be secured to the “T” posts in a manner that they will not sag or become dislodged under normal conditions.

A103.3 (29.84) Windows. DELETED

A103.4 (29.85) Door walls. DELETED

A103.5 (29.86) Doors. One door to the *structure* shall be available for authorized entry and shall be secured and locked in an *approved* manner.

29.87 SECTION A104 REFERENCED STANDARD DELETED

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APPENDIX B
BOARD OF APPEALS

SECTION B101 GENERAL

B101.1 Scope. A board of appeals shall be established within the jurisdiction for the purpose of hearing applications for modification of the requirements of this code pursuant to the provisions of Section 106 (Means of Appeals). The board shall be established and operated in accordance with this section, and shall be authorized to hear evidence from appellants and the *code official* pertaining to the application and intent of this code for the purpose of issuing orders pursuant to these provisions.

B101.2 (29.88) Application for appeal. Any person shall have the right to appeal a decision of the *code official* or a notice of order issued under this code to the Housing Board of Appeals. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the *code official* within 20 days after the notice was served.

B101.2.1 Limitation of authority. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

B101.2.2 Stays of enforcement. Appeals of notice and orders, other than *Imminent Danger* notices, shall stay the enforcement of the notice and order until the appeal is heard by the board.

Waiver. Failure of any person to file an appeal request in accordance with the provisions of this code shall constitute a waiver of the right to a Housing Code Board of Appeals hearing and adjudication of the notice or order, or any portion thereof.

B101.3 (29.89) Membership of the board. There is hereby established a board to be known as the Housing Board of Appeals, which consists of 7 members appointed by the Mayor with the advice and majority consent of the City Council. The members of the board shall be appointed for 3-year terms, with any successive appointment for a 3-year term following the expired term. Any one or more members of such board shall be subject to removal or replacement by the City Council at any time, for cause, after a public hearing before the City Council. Vacancies on such board shall be filled by the appointing authority for the unexpired term of such vacancy. The members of such board shall serve without compensation and shall be residents of the City of Cedar Rapids, Iowa. The *code official* shall be an ex officio member of said board but shall not vote on any matter before the board.

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B101.3.1 (29.90) Qualifications. The board shall consist of seven individuals, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

B101.3.2 (29.91) Alternate members. DELETED

B101.3.3 Vacancies. Vacancies shall be filled for an unexpired term in the same manner in which original appointments are required to be made.

B101.3.4 (29.92) Chairperson. DELETED

B101.3.5 (29.93) Secretary. The chief appointing authority shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member and any failure of a member to vote. The Building Services Department Administrative Assistant will serve as Secretary.

29.94 Officers. Officers of the board shall be elected by the members of the board at the annual meeting of the board, including a Chairperson.

29.95 Appeal. All appeals and requests to the board shall be filed with the Building Services Department Administrative Assistant or *code official* for this code. An appeal fee as set by the City Council resolution shall accompany each appeal.

29.96 Procedure. The board shall establish its own rules of procedure for accomplishment of its duties and function provided that such rules are not in conflict with the provisions of this code or Iowa law. Copies of the rules of procedure adopted by the board shall be available from the *code official*.

B101.3.6 Conflict of interest. A member with any personal, professional or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations and voting on such matters.

B101.3.7 Compensation of members. Compensation of members shall be determined by law.

B101.3.8 Removal from the board. A member shall be removed from the board prior to the end of their terms only for cause. Any member with continued absence from regular meeting of the board may be removed at the discretion of the chief appointing authority.

B101.4 Rules and procedures. The board shall establish policies and procedures necessary to carry out its duties consistent with the provisions of this code and applicable state law. The procedures shall not

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require compliance with strict rules of evidence, but shall mandate that only relevant information be presented.

B101.5 (29.97) Notice of meeting. The board shall meet at regular intervals to be determined by the Chairperson but, in any event, the board shall act upon the appeal within 30 days after a request for a hearing has been received by the Building Services Department Administrative Assistant or *code official* for this code. Reasonable notice of the place, time, and date of such meeting shall be given to all members of the board and all interested parties in each case to be heard by the board.

B101.5.1 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard.

B101.5.2 (29.98) Quorum. A quorum of the Board shall consist of three (3) members, not including the Chairperson who may only vote to break the tie.

B101.5.3 (29.99) Postponed hearing. When a quorum consisting of five (5) members of the board membership is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

29.100 Minutes/Copies. Minutes of all meetings shall be prepared and maintained as part of the public record. The decision of the board shall be recorded. Copies shall be furnished to the appellant and the *code official*.

29.101 Extension of Time. In lieu of, or in addition to, administrative extensions, the Housing Board of Appeal may grant an extension or extensions of time for the compliance of any order or notice, provided that the board makes a determination that there are practical difficulties or unnecessary hardship in carrying out the strict letter of any notice or order.

B101.6 Legal counsel. The jurisdiction shall furnish legal counsel to the board to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the jurisdiction's expense in all matters arising from service within the scope of their duties.

B101.7 Board decision. The board shall only modify or reverse the decision of the *code official* by a majority vote that includes the concurring vote of three or more members.

B101.7.1 Resolution. The decision of the board shall be by resolution. Every decision shall be promptly filed in writing in the office of the *code official* within three days and shall be open to the public for inspection. A certified copy shall be furnished to the appellant or the appellant's representative and to the *code official*.

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B101.7.2 Administration. The *code official* shall take immediate action in accordance with the decision of the board.

29.102 Petition for Certiorari. Any person or persons, jointly or severally, aggrieved by any decision of the Housing Board of Appeal under the provisions of this code, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the decision of the board.

B101.8 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

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