

ORDINANCE NO. 1394

AN ORDINANCE TO ADD CHAPTER 15.60 – “RENTAL HOUSING INSPECTION” TO THE OSKALOOSA MUNICIPAL CODE AND TO AMEND CHAPTER 15.04.150 – “BOARD OF APPEALS” IN THE OSKALOOSA MUNICIPAL CODE.

The City Council of the City of Oskaloosa, Iowa hereby ordains as follows:

SECTION 1: Add Chapter 15.60 – “Rental Housing Inspection” to the Oskaloosa Municipal Code, as follows:

Chapter 15.60 - Rental Housing Inspection**15.60.010 - Title for citation.**

This chapter shall be known as the “City of Oskaloosa, Iowa, Rental Housing Inspection Program,” and shall be cited as such, and will be referred to herein as “this chapter.”

15.60.020 - Purpose of provisions.

The purpose of this chapter is to provide for the inspection of residential rental properties within the corporate limits of the City of Oskaloosa, Iowa, in order to ensure that such properties conform to minimum standards deemed necessary for the protection of the health and safety of the occupants thereof and the occupants of surrounding properties, and to inhibit the spread of urban blight.

15.60.030 - Definitions.

For the purpose of this chapter, certain terms and words are defined. Words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; and the word “shall” is mandatory, the word “may” is permissive.

1. **DWELLING UNIT:** *One or more rooms, designed, occupied or intended for occupancy as a separate living quarter.*
2. **RENTAL PROPERTY:** *Any structure that includes a dwelling unit that is being held out or offered for rent or is currently being let for rent and occupied by any person who is not the owner of the premises, except that the following properties shall not be regarded as rental properties under this chapter:*
 - a. *Dwellings owned by the local, state, or federal governments.*
 - b. *Hotels, as defined by Chapter 137 of the Iowa Code.*
 - c. *Dormitory rooms of higher education institutions.*
 - d. *Nursing homes, long-term care, and medical care facilities.*
3. **RENTAL UNIT:** *One dwelling unit within a rental property. If a common area and facilities are provided in a dwelling for the use of the occupants of units therein, such common area and facilities shall constitute a part of each rental unit for the purpose of inspection and compliance with this chapter.*

4. *RENT: Any form of payment, including but not limited to cash, services, or other valuable considerations, provided as a condition of occupying a dwelling not owned by the occupant.*
5. *OWNER: Person(s) listed as the deed holder as recorded at the Mahaska County Assessor's Office.*
6. *OWNER'S REPRESENTATIVE: A person who is appointed by a rental property owner to provide access to the Inspector to the owner's rental property. The representative must have keys for all portions of the rental property, must be authorized to act on behalf of the owner concerning compliance with the requirements of this chapter, and must be at least 18 years of age.*
7. *INSPECTOR: The person(s) designated by the City of Oskaloosa Development Services Director to conduct the inspections of rental properties and units for this program. The City of Oskaloosa may contract with an outside entity to conduct these inspection services.*
8. *TENANT: Person(s) or family occupying a dwelling unit for rent. Not more than one family or four unrelated persons may occupy a dwelling unit.*

15.60.040 - Registration requirement.

All rental properties and rental units within the corporate limits of the City of Oskaloosa shall be registered with the City annually by the owner or the owner's representative. The owner or owner's representative shall file a completed registration form (as provided by the City) with the Development Services Department on or before August 1 of each fiscal year, accompanied by a fee as established by resolution of council.

By registering rental properties and/or rental units, the property owner consents to the City of Oskaloosa inspector entering and conducting an inspection, as described in Section 15.60.050. The registration process shall be conducted in accordance with the City of Oskaloosa's Rental Housing Inspection Program Administrative Policy.

15.60.050 - Rental inspection.

Each rental property and rental unit shall be inspected by the designated inspector at a frequency stated in the Rental Housing Inspection Program Administrative Policy. The inspections will be conducted to confirm compliance with regulations set forth in Oskaloosa Municipal Code, Titles 8, 15, and 17. Inspections will be conducted in accordance with the City of Oskaloosa's Rental Housing Inspection Program Administrative Policy and in accordance with all state and federal laws pertaining to tenant rights and notification requirements.

15.60.060 - Fees.

All fees associated with this Rental Housing Inspection program shall be established by resolution of the council.

15.60.070 - Contact information.

All rental properties shall have the name and contact information of the property owner and/or the property owner's representative clearly and visibly posted for tenants.

15.60.080 - Violations.

Rental properties and/or rental units that fail to comply with this chapter, shall be referred to the City Building Official and Attorney for prosecution as a municipal infraction. Failure to comply with this chapter, including but not limited to failure to register a property, may result in the revocation of a Certificate of Occupancy and/or a requirement to vacate the property.

15.60.090 - Appeals Process.

The Building Code Board of Appeals, as defined in Oskaloosa Municipal Code, Chapter 15.04.150, serves as the appeals board for disputes regarding violations issued during a rental inspection and for interpretation of applicable codes. Appeals shall be filed in accordance with the Rental Housing Inspection Administrative Policy.

SECTION 2: Amend Chapter 15.04.150 – “Board of appeals” in the Oskaloosa Municipal Code, as follows:

In order to determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this chapter, there shall be and is created a board of appeals, consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction. The board of appeals also serves as the appeals board for disputes regarding notices of violations issued under the City of Oskaloosa, Iowa, Rental Housing Inspection Program, as described in Oskaloosa Municipal Code, Chapter 15.60.090. The building official shall be an ex officio member, and shall act as secretary of the board. Two additional ex officio members shall be appointed to represent the perspective of rental housing property owners and of rental housing tenants. The board of appeals shall be appointed by the mayor and shall hold office at the pleasure of the mayor. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official, with a copy to the appellant and a copy to the State Building Code Commissioner.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after the First day of July 2017, following its final passage, approval, and publication by law.

Passed by the Council the 3rd day of April 2017, and approved this 3rd day of April 2017.



David Krutzfeldt, Mayor

ATTEST:



Amy Miller, City Clerk

I certify that the foregoing was published as Ordinance No. 1394 on the 10th day of April 2017.



Amy Miller, City Clerk